



AGENDA

Long Beach City Council Workshop at 6:00 p.m.
Long Beach City Council Meeting
Regular City Council October 7, 2013 at 7:00 p.m.
Long Beach City Hall - Council Chambers
115 Bolstad Avenue West

WORKSHOP BEGINS AT 6:00 PM

+ **WS 13-15 – 2013 Land Use Amendments – TAB – A**

7:00 PM CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order Mayor Andrew, Council Member Linhart, Council Member Hanson
And roll call Council Member Perez, Council Member Murry, and Council Member Phillips

CONSENT AGENDA - TAB – B

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, September 16, 2013 Regular City Council meeting.
- Payment Approval List for Warrant Registers 53426 - 53468 & 72028 – 72163 for \$243,678.42

BUSINESS

- **AB 13-42 – Ordinance #895, Moratorium on Cannabis – TAB – C**
- **AB 13-43 – WS Parks beach gap road Maint Agreement – TAB - D**

ORAL REPORTS

- **City Council Mayor City Administrator Department Heads**

CORRESPONDENCE AND WRITTEN REPORTS – TAB – E

- **Correspondence – Letter from The American Legion to Council**
- **Correspondence – Police Report for September**
- **Correspondence – Razor Clam season**
- **Correspondence – Sales and Lodging Tax**
- **Business License – Long Beach Tattoo Co.; 509 Pacific Ave S**
- **Business License – Advance Environmental, Inc. Olympia, WA**
- **Business License – Jessica Starr Photography, 112 20th Street SW**
- **Business License –Maggie & Nitwit’s Roadhouse, 1308 Pacific Ave S**
- **Business License – Orkin, LLC, Fife, WA**
- **Business License – Desert Espresso, Spanaway, WA**
- **Business License – Kitchen Medic Yacolt, WA**

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop commencing at 6:00 PM.

Oct 21 – 7:00 pm - City Council Meeting
Nov 4, - 7:00 pm – City Council Meeting

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to**

five minutes. The City Council does not take any action or make any decisions during public comment. To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Clerk at the meeting.

TAB

A

TAB

A



**CITY COUNCIL
WORKSHOP BILL
WS 13-15**

Meeting Date: October 7, 2013

AGENDA ITEM INFORMATION		
SUBJECT: 2013 Land Use Amendments	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: None	Water/Wastewater Supervisor	
	Other:	
SUMMARY STATEMENT: Attached is a staff report evaluating the two topics raised to date – merchant sidewalk displays and merchant use of temporary structures.		

City of Long Beach
Department of Community Development

STAFF REPORT

TO: City Council
SUBJECT: Land Use Code Amendments
APPLICANT: N/A
SITE ADDRESS: OT-Old Town Zoning District
DATE: October 1, 2013

BACKGROUND

Two items have been brought to staff's attention this year that require analysis by the Council and that may result in amendments to the City's land use code(s), or in one case possibly to the nuisance code, or possibly other actions:

1. Vendor display of retail goods in downtown Long Beach
2. Use of temporary structures such as canopies by downtown businesses

The following format it uses for each of the two issues for analysis:

1. **TITLE**
 - 1.1 **Analysis**
 - 1.1.1 Problem Statement
 - 1.1.2 Relevant Code Sections
 - 1.1.3 Staff Analysis
 - 1.2 **Staff Recommendation**
-

1. VENDOR DISPLAY OF RETAIL GOODS

1.1 Analysis

1.1.1 Problem Statement

Vendor display of goods in downtown Long Beach seems to have crept into the City's pedestrian sidewalk area, particularly in the OT-Old Town zone. This may create a risk to the City from potential tripping hazards and can also make for a haphazard visual environment. The City could enforce existing law better, make existing law clear to vendors so they can better comply, modify the law to increase its effectiveness, or take another approach not yet considered by staff.

1.1.2 Relevant Code Section(s)

The following code sections apply to the issue at hand.

12-6A-2: PERMITTED USES: (as applies to OT zone)

- B. Accessory Uses and Structures: Outdoor merchandising, vending, dining and amusements, two hundred (200) square feet or less, when such use is associated with a business operating out of an adjacent building.
-

12-11-12: OUTDOOR MERCHANDISING, VENDING AND DINING: (applies to all zones)

- A. Outdoor Merchandising, Vending and Dining: Outdoor merchandising, vending and dining greater than two hundred (200) square feet may be allowed only by a conditional use permit. Outdoor merchandising, vending or dining up to two hundred (200) square feet may be allowed as an accessory use to a business, where permitted. Such activity shall be associated with a business operating out of an adjacent building. Limitations on length of time, hours of operation, lighting, noise, placement of goods, and screening may be applied. Temporary displays for periods not to exceed thirty (30) consecutive days, or sixty (60) days in a calendar year, may be approved by special use permit of the city council. No business shall operate solely in an open air environment unless approved by special use permit of the city council.
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12-11-13: USE OF SIDEWALK OR PUBLIC WAY: (applies to all zones)

- A. Display of Goods: The city administrator may authorize the display of goods for sale on a sidewalk or public way, subject to the following limitations:
1. The display shall not project more than eighteen inches (18") from the property line into the sidewalk, as measured perpendicular to the property line;
 2. The display shall not occupy more than six (6) linear feet along the sidewalk, as measured parallel to the building face;
 3. The display shall not reduce the clear width of the sidewalk to less than seventy two inches (72")¹, as measured between the property line and the curb or any intervening street furnishings, including but not limited to planters, benches, bike racks and trash cans, and shall not otherwise obstruct pedestrian traffic;
 4. There shall be no other outside display space on the subject property;
 5. The display shall be limited to goods sold within the business abutting the sidewalk or public way. All transactions shall occur within the business;

¹ Six feet (6').

6. The display, including all racks and furnishings, shall be removed from the public way daily;
 7. The display shall be designed and placed or secured so as to minimize the potential of tipping or being blown over by the wind; and
 8. The city administrator, at his discretion, may revoke authorization for any display. Failure to comply with any of the limitations listed herein, resulting in a condition that is deemed to constitute a nuisance, shall be enforceable and punishable pursuant to chapter 2 of title 5 (Public Nuisances) of this code.
 9. This section shall not apply to the placement of newspaper boxes.
- B. Street Performers: Street performers may perform only within the OT zone, on private property with the permission of the owner or in the public parks located at 3rd Street and 5th Street. Performances shall not occur where sidewalks, the public way, doorways or drives would be obstructed by the performer or by observers, or where it would interfere with scheduled activities or events. Performers shall not use any props. Amplification shall be prohibited. Performances shall be limited to the hours between 10 a.m. and 9 p.m. Performers who fail to comply with the requirements of this section or are disruptive to public peace and morals shall be considered a nuisance, which shall be enforceable and punishable pursuant to chapter 2 of title 5 (Public Nuisances) of this code.
- C. Vending and peddling: Vending, peddling or any other use of the public way not enumerated herein shall be prohibited.
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5-2-4: SPECIFIC NUISANCES ENUMERATED: (applies to all zones)

- A. The construction, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain—whether in or upon any private or public lot, building, structure, or premises, or on, in, or upon any right-of-way, street, avenue, alley, park, parkway, or other public or private place in the city—any one or more of the following places, conditions, things, or acts is hereby declared to constitute a public nuisance:
33. Unlawful Obstruction to Public Ways. The existence of any obstruction to a street, alley, crossing, or sidewalk, where the obstruction is by ordinance prohibited or where the obstruction is made without lawful permission, or where the obstruction, having been originally made by lawful permission, is kept and maintained for an unreasonable length of time after the purpose thereof has been accomplished.

1.1.3 Staff Analysis

The above code states the limits of exterior vending with regard to the area allowed. It also states how much of the sidewalk must be kept clear. Per D. Glasson, downtown

sidewalks are generally 8 feet in width, and this code requires that 6 feet be kept clear. The text of the zoning code also states that not to comply would be a public nuisance enforceable via title 5, chapter 2; that title and chapter specifically enumerate obstruction of a City sidewalk as a public nuisance. Therefore, enforcement could be by one of the 3 methods available for enforcement under title 14, enforcement procedures: voluntary compliance; notice of violation and abatement by responsible party or by City, or notice of violation, civil penalty, and abatement by responsible party or City.

1.2 Staff Recommendation

There is substantial language in the code regarding this issue. It appears from review of this code that it is straightforward and clear regarding what constitutes a violation and what the consequences are for a violation. However, this language is found in several locations in the City code, not in one location. The problem statement identifies several possible solutions – more code, revised code, or better enforcement. Staff recommends the latter. Staff could annually prepare a memo to downtown business owners regarding City code issues that are important to maintaining a proper business atmosphere downtown. For example, last spring we noticed that more and more businesses were relying on banners rather than permanent signage, and sent out a memo to all downtown businesses regarding the issue. The response was not perfect, but the situation was greatly improved. And we will address this issue again next year to keep whittling away at the illegal use of banners. We could do the same thing with sidewalk displays, providing an overall issue statement, clear direction, and a warning about violations and penalties.

Staff does not recommend that code language be repeated, so that the same language can be grouped together for the sake of the business community. First, and importantly, it is bad practice to repeat code language because it can lead to inconsistencies when code is modified in the future. In addition, a substantial amount of this language is already consolidated on one location under section 12-11-13. Finally, it is staff's observation that this is an issue of either simple non-familiarity with City regulations, which can be remedied with an annual memo as suggested above, or in some cases it is a matter of "you can't blame a businessperson for trying," which can't be remedied by anything.

If, however, Council finds that 6' of clear sidewalk is not enough or is more than necessary, the code must be modified to revise that clear space to a width the Council finds acceptable.

2. USE OF TEMPORARY STRUCTURES IN DOWNTOWN

2.1 Analysis

2.1.1 Problem Statement

This summer planning staff noticed that a downtown vendor had erected 2 10-foot by 20-foot (a total of 400 square feet) vinyl car canopies as shelters for customers. These do not conform to current City code (see below), and staff requested they be taken down. However, the owner would like the Council to look past current code and consider whether or not such structures should be legal and therefore allowed in downtown Long Beach.

2.1.2 Relevant Code Section(s)

The following code sections apply to or help to understand the issue at hand.

12-1-3: USE OF LAND AND STRUCTURES; COMPLIANCE REQUIRED:

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or altered, for any purpose or in any manner other than the use listed in this title as permitted in the use zone in which such land, building, structure or premises is located. All land uses and structures not specifically mentioned as a permitted use or structure, accessory use or structure, or conditional use or structure; shall be prohibited.

12-2-1: TERMS DEFINED:

Any term not herein defined shall have its customary or commonly accepted meaning.

ACCESSORY: A use, a building or structure, or part of a building or other structure, which is subordinate to and incidental to the use of the main building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

CANOPY: See "Awning."

ERECTED: The construction of any building or structure, or the structural alteration of a building or structure the result of which would be to change the exterior walls or roof or to increase the square foot floor area of the interior of the building or structure.

EXCEPTION: Permission to depart from or to be released from normally-required City regulation(s). An exception is dictated by specific circumstances unique to a given situation that would make strict application of regulation(s) as normally applied unnecessary or unreasonable. An exception may or may not require a variance.

STRUCTURE: Anything constructed in the ground, or anything erected that requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences less than six feet (6') in height, paths, trails or paved areas.

12-4-5: USE AND DEVELOPMENT STANDARDS APPLICABLE TO ALL DISTRICTS:

- D. Setbacks between buildings: The setback between buildings situated on the same parcel shall be a minimum of ten feet (10'), or as required by the building code, whichever is more restrictive. However, accessory buildings with a gross floor area of less than one hundred twenty (120) square feet may be placed within five feet (5') of the principal structure.
 - E. Setbacks for sheds: Detached accessory structures with a gross floor area of less than one hundred twenty (120) square feet (sheds), the setback between the shed and the fence shall be a minimum of three (3) feet, or as required by the building code, whichever is more restrictive.
 - G. Minimum Building Width: Excepting storage sheds, the minimum building width shall be eleven feet (11').
-

12-10-2: SCOPE: (of design review),

- A. Activities Subject to Design Review: The city shall review all development subject to design review. For purposes of this chapter, "Development" means any improvement to real property open to exterior view, including, but not limited to, buildings, structures, fixtures, landscaping, site screening, fencing, murals, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks and recreational facilities), and mobile home and recreational vehicle parks, whether all or any are publicly or privately sponsored. "Development" also includes new construction, additions, and any or all exterior remodeling to existing structures. "Development" does not include underground utilities, improvements within rights-of-way, or alterations to buildings that are exclusively interior.

B. Activities exempt from Design Review: The following activities shall be exempt from the requirements of design review:

3. One accessory building with a gross floor area of one hundred twenty (120) square feet or less may be placed on a lot without meeting the requirements of this chapter, including Article A, provided the structure is placed in the rear of the lot behind the principal building. Additional accessory buildings, regardless of size and location, shall be subject to all requirements of this chapter.

12-10-3: DESIGN APPROVAL REQUIRED:

E. Exceptions: The city council may, at its sole discretion, grant an exception to the city's design requirements for additions or modifications to existing **nonresidential** buildings that do not conform to the design requirements. Such an exception will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exception, the city council shall apply the following standards:

1. No exception shall be granted to any nonconforming use.
2. No exception shall be granted to any structure that is in violation of any bulk, density, or setback standard.
3. No exception shall be granted if:
 - a. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or
 - b. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.
4. No property shall receive more than one exception in a calendar year.

12-10A-1: OT, OTW, RC, AC, S3, S3R, S3M, C1 AND C2 DISTRICTS:

A. Intent:

1. Generally: These zones have a mandatory architectural style that is referred to as the "early seashore theme". The intent of these zones is to create an early twentieth century seashore atmosphere, provide an attractive compact retail core to stimulate foot traffic, and to promote tourism. Common architectural details include false fronts, marquees, cedar shingles and ornate seashore detailing. A diversity of building fronts is to be encouraged, and simple replication is to be discouraged.

B. Design Requirements: The following design features are required:

1. Roofs: A roof pitch of 5:12 or greater is required. The approving authority may allow a more shallow pitch or a flat roof on commercial or mixed use buildings where the pitch of the roof is concealed from the primary street frontage by a false front that extends across at least fifty percent (50%) of the width of the building's street frontage. Shallower roof pitches on projecting features such as bays and porches may be permitted where the form of the elements is complementary to the overall form and character of the building.
2. Wood Siding: A minimum of eighty percent (80%) of the building's total exterior siding exposure shall be cedar shingle, lap or clapboard siding with an exposure not to exceed eight inches (8"), or cedar shake with a maximum reveal of fourteen inches (14"). Board and batten siding may also be used. The use of glass for window displays is encouraged, and shall be counted toward the wood siding requirement. Cement board siding that is similar in appearance to permitted siding materials shall be allowed. Other construction methods, including sheet siding without battens, are prohibited.
3. Other Materials: If used, not more than twenty percent (20%) of the building's total exterior siding exposure may be materials other than those listed in subsection B2 of this section. Materials that may be used include masonry (stone, brick or split-faced block), sheet or corrugated metal, or other styles of wood siding. Sheet siding shall not be used, except when battens are applied. Materials should be used as accents to highlight the form and architectural details of the building. Cement board siding that is similar in appearance to permitted accent materials shall be allowed.
4. Finishes: Natural, painted or stained finishes are permitted. Muted natural or neutral colors are required in shoreline areas.
5. Trim: Trim should be provided around all windows, doors and to accent the architecture of the building. Trim should be painted in a contrasting color, but may be left unfinished if the exterior siding material is also unfinished.
6. Roof Ridge: One vertical change in elevation of a minimum of three feet (3') shall occur in every fifty feet (50') run of roof. As an alternative, one or more of the following may be applied:
 - a. The use of dormers may be proposed as an alternative to a three foot (3') change in elevation. If dormers are used, there shall be not less than two (2) dormers per fifty feet (50') of roof run , and each dormer must span at least eighty percent (80%) of the roof face from ridge to eaves.
 - b. A cross gables may be used as an alternative to a three-foot (3') change in elevation. There shall be at least one cross gable for each fifty feet (50') of roof run. The face of the cross gable must be in the same plane as the building facade and the ridge of the cross gable shall be no more than two feet (2 feet) below the primary ridge.

c. The use of cupolas may be proposed as an alternative to a three foot (3') change in elevation. If cupolas are used, there must be at least one cupola per fifty feet (50') of roof run or fraction in excess of fifty feet (50'). Cupolas shall be sized proportional to the building by being not less than one foot (1') in height per ten feet (10') of roof run. The height of cupolas shall also comply with the requirements of section 12-10-3 of this title.

7. False Fronts: For buildings in the OT, OTW and C1 zones, false fronts are permitted on buildings fronting SR 103 (Pacific Avenue) and Ocean Beach Boulevard. False fronts used to conceal a roof pitch less than 5:12 shall extend at least fifty percent (50%) of the width of the building's frontage.

8. Facades:

a. For buildings in the OT and OTW zones with frontage on Pacific Avenue or Ocean Beach Boulevard, at least fifty percent (50%) of each twenty-five (25') linear feet segment of the first floor building facade shall be glass doors or windows designed to accommodate window displays. Bay or bow windows are permitted, but may not extend into the right-of-way at the first floor.

b. For buildings in the C1 zone with frontage on Pacific Avenue, windows, porches or other features that provide visual interest and scale are encouraged.

c. For buildings in the RC zone with frontage on Pacific Avenue, covered or wrap porches are required on residential buildings, and porches, bays and other residential-style features are encouraged on all structures. Porches shall not be screened.

9. Screening: Trash receptacles and ground-placed HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method. HVAC and exhaust units placed on flat roofs may be screened by a false front. HVAC and exhaust units placed on a roof of a 5:12 or steeper pitch are not required to be screened.

10. Parking: For buildings in the OT zone with frontage on Pacific Avenue or Ocean Beach Boulevard, parking shall not be placed between the building and the street. In all zones, it is preferred that parking be placed on the side or to the rear of the building.

11. Landscaping:

a. Landscaping shall be used where necessary to mitigate the height, bulk, or scale of buildings.

b. Landscaping or landscaped berms shall be used to partially screen parking areas from view from adjacent streets or building occupants. Landscaping shall also be used to screen commercial uses from the view of adjacent residences.

c. Any building not built to the street line shall provide landscaping between the building and the street. Hardscape areas such as patios may be a part of the landscaping, provided planters are included in the design and the space is designed as an outdoor amenity.

d. Plant materials shall include grasses, shrubs, trees and other plant materials appropriate to the coastal setting. Along Pacific Avenue and Ocean Beach Boulevard, landscaping should be used to provide visual interest for pedestrians. In the shoreline areas, plants shall complement the natural dune setting.

12. Building Width: The minimum width for any residential building shall be not less than fourteen feet (14').

13. Orientation: The front door of any residential building shall face the street. The primary entrance of a commercial building shall be clearly visible from the street.

14. In S3 and S3R Zone Only: In the S3 and S3R zone only, balconies shall be required as an architectural feature on the face of any building directly facing the Pacific Ocean.

15. In C2 Zone Only: For commercial property completely surrounded by noncommercial districts and uses, design review requirements shall be compatible with those of the surrounding districts.

16. In C1 Zone Only: Single-family dwelling units shall be designed and sited to accommodate their future conversion to nonresidential use.

17. In the RC zone only: Buildings shall be primarily residential in character but designed to facilitate conversion between residential and commercial uses.

18. Marquees and canopies: For buildings in the OT and OTW zones fronting on Pacific Avenue or Ocean Beach Boulevard, especially within the downtown core, marquees, canopies, awnings and similar features are encouraged that will project out over the pedestrian way and provide shelter from the elements, to encourage pedestrian traffic. Such features shall be incorporated into the overall design of the building.

19. In the OT, RC, C1 and C2 Zones Only: Wireless communication facilities (WCF) shall be designed pursuant to the requirements of subsection 12-11-17E of this title.

2.1.3 Analysis

Pursuant to section 12-1-3, the City has a “non-permissive” zoning code – that is, if the code does not identify a land use or building type, it is disallowed barring special permission from the City. (For example, the performing arts center land use or an

equivalent were not in the code when the use was proposed, so the Council granted a special use permit to allow operation of a performing arts center for a year until the code could be amended to include that use.)

Section 12-4-5(D) requires 10 feet between “buildings”. While this may apply, and there may or may not be 10 feet between the structures and the main building, it is debatable whether or not these structures could be termed “buildings”, so it is also debatable whether this section applies to these sorts of structures.

While “shed” is not defined in the definition section of the zoning code, it is defined in 12-4-5(E) as an accessory structure of 120 SF or less. This is the common definition of a shed in planning and building codes.

Canopy as defined in the City’s zoning code is synonymous with “awning, so is considered an extension of a building, not a freestanding separate accessory structure.

Pursuant to section 12-10-2 of the zoning code, any accessory structural greater than 120 SF in area located in a zone subject to design review is subject to the design review process.

The structures leading to this discussion are 2 identical 10’ X 20’ (200 SF) car covers. They are clearly accessory structures by definition, being accessory to the primary structure, which is a restaurant and retail store. Because of their size, they are not “sheds” and so are subject to design review.

Pursuant to sections 12-10-2 and 12-10-3, the subject structures would be subject to design review. However, pursuant to section 12-10-3(E), and subject to specific findings and standards, the Council may grant one design exception a year to a nonresidential property.

Section 12-10A-01 in part defines the intent of the downtown zone design theme of “Early Seashore”, describes common architectural details of that theme, and describes design requirements of the downtown Old Town zone (and several other commercial and resort zones). The design requirements for the downtown area relate to roofs, siding, accent materials, finishes, trim, roof ridge, false fronts, facades, screening, parking, landscaping, building width, orientation, marquees and canopies, and WCFs. Given the nature of the subject structures and current code, the following design requirements would apply: roofs, siding, finishes, trim, facades, building width (but not from the design review requirements, but rather from section 12-4-5-(G)), and orientation. It would not include marquees and canopies because current code defines those structures as attached to and projecting from a principal structure, and not as freestanding structures.

2.2 Staff Recommendation

Regarding Current Code

Historically, these sorts of temporary structures in design review areas have been prohibited, since they do not conform to current design review requirements or structure width standards. The word “tent” does not appear in the zoning code. The definition of “marquee” specifically excludes freestanding permanent roof structures. Under the definition of “Sign, Architectural Projection” is a definition of “Canopy (freestanding),” but it is defined strictly in the context of signage and nowhere else in the code. This is likely by design and not oversight. The code does not specifically address these structures because the code does not support their use.

Using the only current code available to staff, the recommendation would have to be against introducing these sorts of structures, unless some can be found that are code compliant. To be code compliant they would have to accomplish the intent of promoting an early seashore architectural theme. They would also need to meet all design review requirements.

A concern of staff is simply the inexpensive nature of these structures. They can be bought for as little as \$149 at Home Depot, and the side enclosures cost about \$100 more (see attached examples). The cover is polyethylene (the most common plastic); on many, the top is joined to the frame with bungee cords. These types of structures do not represent the type of high quality development the City has traditionally directed staff that it desires downtown and that the City has historically required of its business community. Staff is also concerned these structures may not withstand our weather well, creating a new code enforcement issue if they become mildewed, torn, or tatty. Much of planning code is unfortunately the law of unintended consequences. Staff encourages Councilors to envision a downtown Long Beach where every business property with sufficient available space erects one of these structures. There are at least 45 such available properties in downtown Long Beach.

Council may consider whether to grant a specific business an exception to the strict application of the design review criteria for one year pursuant to 12-10-3(E). If Council pursues this option, it will need to find that strict enforcement of applicable design review requirements would result in a building appearance or site condition substantially incompatible with the existing building. That is, the exception must lead to a more conforming result than the current law does. In considering any request for exception, the Council is also required to apply several standards (see above under Section 12-10-3); one of those standards is that an exception may not be granted for a non-conforming use. Currently, these structures do not conform to several design review requirements. In addition, regarding the current specific use that led to this discussion, the outdoor dining in excess of 200 SF (there appears to be about 400 SF based on the structure size of 10 X 20 foot X 2 structures) is an illegal non-conforming use because any vending/

merchandising/dining, in excess of 200 SF requires a conditional use permit; the business in question did not seek a conditional use permit for the additional square footage.

Regarding Possible Revised Code

If Council would like to consider adding these structures to the code, then some code revision is required – defining and naming what these structures are [staff has debated whether they can be called structures at all, but David is wrong - they can be =)]; defining how they fit into the design theme for downtown; how they should be safely anchored; and deciding how to revise the code and the recently-approved design guidelines.

If the code is to be amended, staff recommends the following:

- Add a new definition to section 12-2-1
 - Decide in what zoning districts these structures can be erected
 - Add this type of structure under “Accessory Uses” in the relevant districts
 - Add design review criteria to section 12-10A-1 and any other relevant section(s), if any
 - Revise the design guidelines as necessary
 - Revise the minimum width of structures language in the code, at least for these structures.
-

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PRODUCT OVERVIEW

The ShelterLogic Max AP 10x20 6 Leg Canopy is America's #1 selling fixed leg canopy. This fixed leg canopy sets up fast making the perfect seasonal shade solution for decks, patios, driveway ports or any place temporary shade or protection is required. The Max AP 10x20 6 Leg is easily constructed by 2 people in less than 2 hours. Quick fit slip together swedged tubing makes frame set up easy. Valanced cover attaches to the frame with ease using bungee cord fasteners. Max AP 10x20 is great for camping, commercial job sites, picnic areas, backyard events, pool or patio.

- Heavy Duty 1-3/8 in. diameter steel, 6-leg white frame that is DuPont premium powder coated finish that prevents chipping, peeling, rust and corrosion
- Triple layer 100% waterproof UV woven polyethylene fabric. Heat welded not stitched, UV treated inside and outside with added fade blockers
- Patented TwistTite tensioning squares up frame and tightens down cover for a clean and finished look
- Wide foot plates on every leg add stability and easy access to secure anchor points
- Quick and easy set-up swedged together assembly sets up in under 2 hours with 2 people
- 50+ UPF sun protection blocking 98% of harmful UV Rays
- 200 sq. ft. of shade and protection
- Box includes: (1) ready to assemble Canopy Frame, (1) piece fitted cover, (6) foot plates, (6) temporary spike anchors, bungee fasteners, and easy step by step installation instructions
- MFG Model # : 25757
- MFG Part # : 25757

Info & Guides

[Instructions / Assembly](#)

[Specification](#)

[Use and Care Manual](#)

You will need Adobe[®] Acrobat[®] Reader to view PDF documents. [Download](#) a free copy from the Adobe Web site.

SPECIFICATIONS

Adjustable Height	No	Assembled Depth (in.)	240 in
Assembled Height (in.)	114 in	Assembled Width (in.)	120 in
Assembly Required	Yes	Backlit	No
Collapsible	Yes	Color	White
Color Family	White	Commercial / Residential	Commercial / Residential
Coverage Area (sq. ft.)	200 ft ²	Frame Material	Steel
Highest clearance (in.)	75	Lowest clearance (in.)	75
Manufacturer Warranty	1 year against manufacturer defect	Outdoor Living Product Type	Canopy/Tent
Product Height (in.)	114	Product Length (in.)	120 in

Product Weight (lb.)	73.3	Product Width (in.)	240
Returnable	90-Day	Rust Resistant	Yes
Storage Bag Included	No	Wall panels included	No
Water Resistant	Yes	Weight Capacity (lb.)	0 lb

SHIPPING OPTIONS

Most orders process within 3 business days.

Please allow an additional 3-5 business days for **Standard Ground Delivery** in the U.S. Orders for this item may be expedited for an additional fee.

Other Delivery Options:

Expedited Delivery: Delivery the second business day.

Express Delivery: Delivery the next business day.

If product is eligible for shipping to AK, HI and US Territories additional transit time and remote surcharges may apply.

This item is also available for pick up in your local store (FREE) within 4-7 business days, plus order processing time.

FREE SHIP TO STORE¹ OR HOME². NOW AVAILABLE ON OVER 400,000 ITEMS.



More saving.
More doing.[®]

Your Store:
Warrenton,OR #4023 (Change)

[PRO Site](#) | [Tool & Truck Rental](#) | [Get It Installed](#) | [Gift Cards](#) | [Help](#)

Shop By
Department

Search All *What can we help you find?*



Project: How-To

[Sign In or Register Your Account](#)

ShelterLogic Max AP 10 ft. x 20 ft. White Canopy Enclosure Kit

Model # 25775 Internet # 202934591

\$99.00 / each



This item cannot be shipped to the following state(s):
AK,GU,HI,PR,VI

Free Shipping

Buy Online, Ship to Store

PRODUCT OVERVIEW

The ShelterLogic Max AP 10 ft. x 20 ft. Canopy enclosure kit delivers more options, and more versatility to your canopy. Quickly convert your 10 x 20, 1 3/8 in. diameter fixed leg canopy to a fully enclosed shelter in minutes. Attaches to the frame quickly and easily with bungee fasteners. Create a great low cost seasonal storage solution in minutes. Canopy frame and cover sold separately.

- **** ENCLOSURE KIT ONLY - canopy frame and cover sold separately ****
- Rip Stop Tough woven polyethylene fabric constructed with same quality fabric material as used on our popular Max AP canopy covers
- Heat sealed seams not stitched for a stronger bond and 100% water resistance
- Ultimate UV protection treated inside, outside and in between with added UV protection, fade blockers, anti aging, anti yellowing and anti-microbial agents
- 50+ UPF Sun protection blocking 98% of harmful UV Rays
- Quick and easy set-up attached to canopy frame in minutes with bungee fasteners, reuse your existing bungees or reorder
- Fits all 10 ft. x 20 ft. Max AP 1 3/8 in. diameter canopies
- Set up includes 2 fitted side panels, 1 fitted back panel, 1 double zippered front door panel
- Fits 1-3/8 in. frame
- MFG Model # : 25775
- MFG Part # : 25775

Info & Guides

[Instructions / Assembly](#)

[Specification](#)

[Use and Care Manual](#)

You will need Adobe® Acrobat® Reader to view PDF documents. [Download](#) a free copy from the Adobe Web site.

SPECIFICATIONS

Assembled Depth (in.)	240 in	Assembled Height (in.)	1 in
Assembled Width (in.)	120 in	Manufacturer Warranty	1 year against manufacturer defects
Outdoor Living Product Type	Canopy Accessory	Product Depth (in.)	240
Product Height (in.)	1	Product Weight (lb.)	18.2
Product Width (in.)	240	Returnable	90-Day

SHIPPING OPTIONS

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Other Delivery Options:

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Express Delivery: Delivery the next business day.



[< Home](#)

Support

Need Replacement Parts?
1-800-932-9344



Instructional Videos

Shelter Videos

-  [How to Assemble a Garage](#)
-  [How to Assemble a Garage-in-a-Box® SUV/Truck](#)
-  [How to Assemble a Grow-It Greenhouse](#)
-  [How to Assemble a Shed-in-a-Box® RoundTop](#)
-  [How to Assemble a ShelterLogic® AutoShelter®](#)
-  [How to Assemble a ShelterLogic® ShelterTube™](#)

Shelter Accessory Videos

-  [How to Assemble a Pull-Eaze™ Roll-Up Door Kit](#)
-  [How to Assemble a AutoVent Kit™](#)

Canopy & Pop-Up Canopy Videos

-  [How to Assemble a MaxAP™ Canopy](#)
-  [How to Assemble a Straight Leg Pop-Up Canopy](#)
-  [How to Assemble a Slant Leg Pop-Up Canopy](#)

Canopy & Pop-Up Canopy Accessory Videos

-  [How to Assemble Canopy Anchor Bags](#)
-  [How to Assemble a ShelterLogic® MaxAP™ Canopy Enclosure Kit](#)

Anchor Guide

Correct anchoring of your shelter is critical for overall performance and protection. Choose the best anchor for your shelter installation with our online anchor guide.

 [Download Anchor Guide](#)

Frequently Asked Questions

- ▶ How long does the fabric last?
- ▶ Can I buy a replacement shelter covering?
- ▶ How do I anchor it to the ground?
- ▶ How does it stand up to wind?
- ▶ How does it stand up to snow?
- ▶ What happens if the cover rips or tears?
- ▶ What is the warranty?
- ▶ What is not covered by this warranty?

How long does the fabric last? [Top ▲](#)

Fabric life is affected by application, location and the physical elements the shelter is exposed to.

Can I buy a replacement shelter covering? [Top ▲](#)

Yes, please call Customer Service at 1-800-932-9344 or contact us online.

* Your model# would be helpful in expediting your request.

How do I anchor it to the ground? [Top ▲](#)

The shelter must be permanently anchored with any one of the following (Detailed anchoring options are included in each installation manual):

1. Auger Anchors – Dirt/Gravel/Asphalt
2. Easy Hook Anchor – Dirt/Gravel/Asphalt
3. Cement Wedge Anchors – Cement

How does it stand up to wind? [Top ▲](#)

Because all of our products are not engineered buildings they **CAN NOT** be wind rated. Anchoring the shelter securely is critical to wind resistance. If extremely high winds or storms are predicted the structure can be dismantled and stored. However we do offer custom Pre Engineered Barn and Engineered Structures that carry a wind rating when properly anchored.

How does it stand up to snow? [Top ▲](#)

Because our products are not engineered buildings they CAN NOT be snow load rated. Proper anchoring of your structure minimizes the impact from snow. Keeping snow off the roof area is strongly recommended. However we do offer custom Pre Engineered Barn and Engineered Structures that carry a snow rating when properly anchored.

What happens if the cover rips or tears? [Top ▲](#)

A common vinyl patch kit can be used with 3m spray adhesive number 90. Replacement covers are available also.

What is the warranty? [Top ▲](#)

The warranty period begins from date of purchase (not the date of installation)

Will repair or replace the defective parts to the original purchaser.

Replacement or repaired parts will remain covered for the original limited warranty period.

Shipping costs will be the responsibility of the customer.

Customer must send photo(s) with a copy of the original receipt.

What is not covered by this warranty: [Top ▲](#)

1. Damage that occurs during shipping
2. Abuse, accident, alteration, modification, tampering, vandalism, negligence, misuse, abrasive contact, faulty installation lack of responsible care or if affixed to any attachment not provided with the shelter
3. Damage to contents of shelter any person or property excluded.
4. Normal and foreseeable wear and Tear
5. Improper installation according to the instructions provided.
6. Wear of fabric due to acts of nature, i.e. hurricane, tornado, wind, flood, snow, wind driven debris, etc.
7. Labor and installation fees. Customer is responsible for all zoning and permits if required.

To file a claim, contact customer service. Warranty claim will be reviewed and action taken at that time. [Top ▲](#)

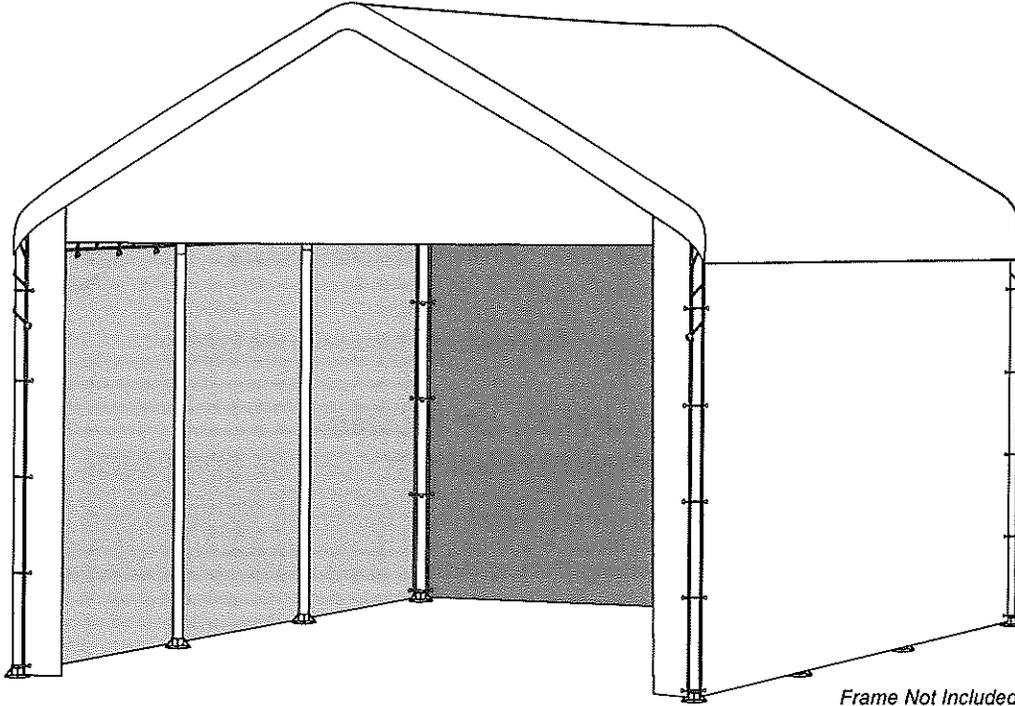
Warranty Details

Fabric Weight	Warranty
5.5/6.5/7.5 oz	1 year (cover and frame work)
9.0 oz	1 year (cover and frame work)
14.5 oz	3 year for the zipper panels and frame prorated and 10 year for cover prorated
21.5 oz	3 year for the zipper panels and frame prorated and 15 year for cover prorated

10' x 20'

MAX AP ENCLOSURE KIT

Assembly Instructions



DESCRIPTION	MODEL #
10' x 20' 1-3/8" MaxAP - 6 or 8 Leg - Enclosure Kit - White	25775

RECOMMENDED TOOLS



Please read instructions **COMPLETELY** before assembly. This shelter **MUST** be securely anchored. THIS IS A TEMPORARY STRUCTURE AND NOT RECOMMENDED AS A PERMANENT STRUCTURE.

Before you start: 2+ individual recommended for assembly, approximate time 1 hr.

ShelterLogic
 150 Callender Road
 Watertown, CT 06795
www.shelterlogic.com

WARNING

KEEP ALL FLAME AND HEAT SOURCES AWAY FROM THIS TENT FABRIC

This tent meets the flammability requirements of CPAI-84. The fabric may burn if left in continuous contact with any flame source. The application of any foreign substance to the tent fabric may render the flame-resistant properties ineffective.

1-800-524-9970

Canada:

1-800-559-6175

10' x 20' 1-3/8" MAX AP - 6 or 8 Leg - Enclosure Kit Parts List - Model #25775

Description of Parts:	Quantity	Part #
 Side Walls	2	10082
 Back Panel	1	10085
 Double Zipper Door	1	10086
 Bungee Cords	80	10066

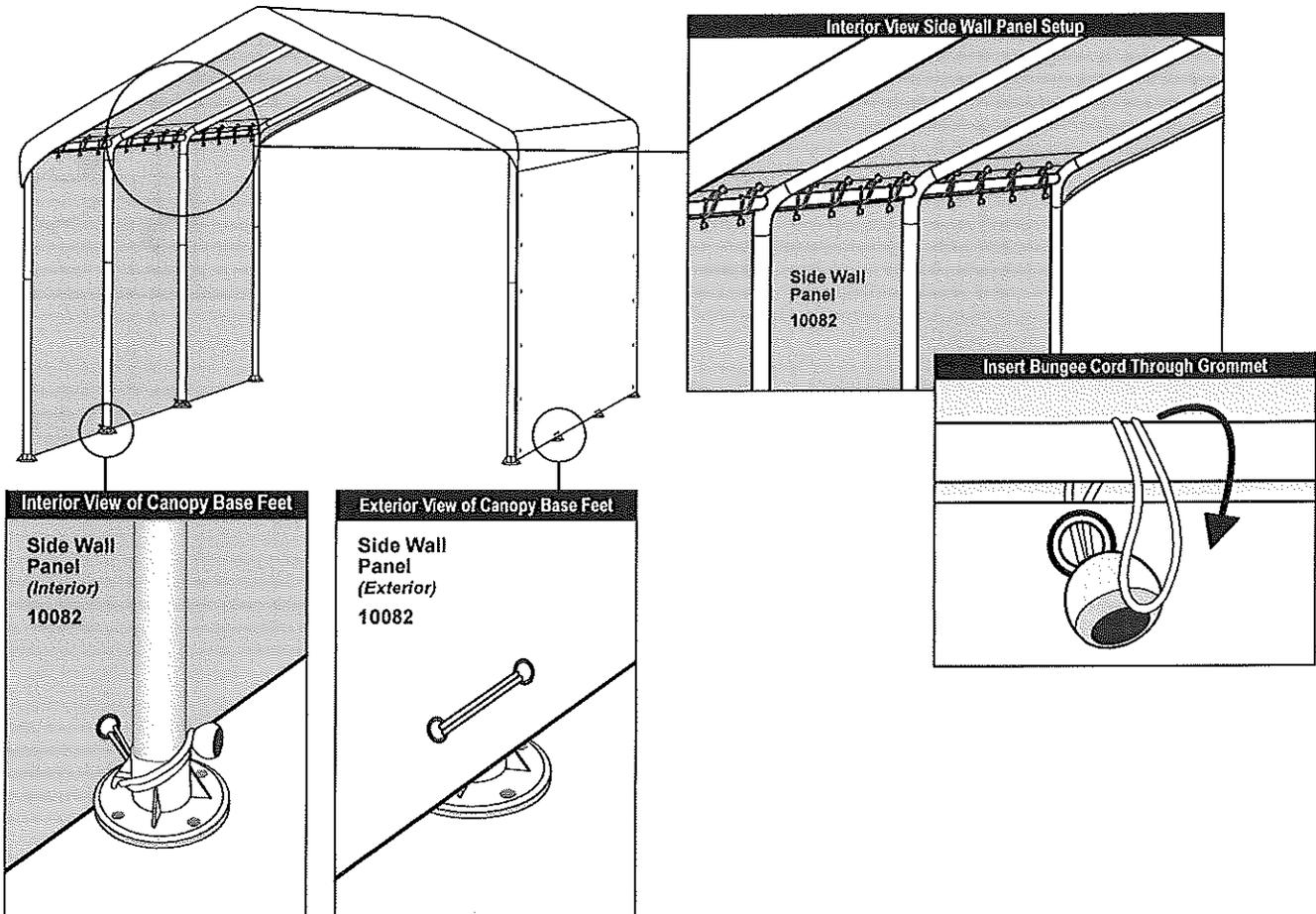
NOTES:

- Canopy Enclosure panels attach to frame with bungee cords.
- Leave Canopy Cover bungees in place when attaching Enclosure panels.

CAUTION: Bungee Cords are under extreme tension. Use Caution when installing. Safety glasses are recommended to prevent injury.

1. ATTACH SIDE WALLS TO FRAME

- A. If tightened at corner leg poles, disengage the TwistTite™ cord and “S” hook from canopy cover and corner legs. Re-tighten **after** all Enclosure panels have been secured, as shown in Step 3.
- B. Attach the extension panels with bungees to the cross rails at the top first. Adjust the panels as needed to ensure a tight and even fit before securing to the leg poles.



Chapter 15.80, Temporary Structures, Uses and Special Events

15.80.010 Tents.

A. Except as otherwise provided in this Section, no tent shall be erected in the City without a tent permit.

B. Tents may be erected by the City without a tent permit in any zone district, on public property or on private property with the consent of the property owner, for public civic and cultural events authorized by the City Council, for any length of time.

C. Residential zone districts. No tent permit shall be required for tents in residential zone districts.

D. Commercial zone districts. Tents in commercial zone districts shall be subject to the following requirements:

1. A tent permit shall be required for all tents in commercial zone districts.
2. Tents may be erected on property located in any commercial zone district for special sales or marketing events for no more than three (3) consecutive days, on no more than four (4) occasions in a calendar year. One additional day shall be allowed to erect the tent and one additional day shall be allowed to dismantle the tent.
3. Tents shall be of a high quality appearance, and shall be clean and free from defects.
4. The size of every tent shall be limited by the setbacks, parking, and potential impacts on adjacent properties.
5. The maximum height of a tent shall not exceed the maximum allowed height of the zone district or planned unit development in which the tent is located.
6. The seating and contents of the tent shall be arranged to provide for appropriate access to and egress from the tent. Designated points of egress shall not be blocked. Roping or guying used to support the tent shall be designated by appropriate warning signs or devices.
7. Tents shall comply with applicable fire codes and be approved by the South Metro Fire and Rescue District or Littleton Fire District.
8. Tents and their contents shall be secured during the night hours.
9. Tents shall be placed so as not to impede or diminish on-site traffic circulation.
10. Appropriate setbacks for each tent shall be established by the Director of Community Development or designee at the time of permitting, and shall be stated on the permit.
11. A Certificate of Occupancy shall be required for every tent, and prior to the issuance of a Certificate of Occupancy, all temporary electrical wiring used in the tent shall be approved by the State Electrical Inspector.

E. Application requirements. An application for a tent permit shall be submitted to the Director of Community Development or designee, accompanied by a site plan, and shall include the following information:

Application Information:

1. Date, time and duration of event;
2. The estimated number of attendees for each day, and during peak periods;
3. Number of parking spaces to be displaced, and a plan for ensuring that adequate parking will be available for all attendees and other patrons, as applicable;

4. A description of how the tent will be secured;
5. A traffic control plan, if applicable; and
6. Any other information deemed necessary by the Director of Community Development or designee.

Site Plan:

1. Lot lines;
2. Proposed location of the tent;
3. Setbacks of the tent from lot lines;
4. Tent dimensions;
5. Proposed traffic and pedestrian circulation to and around the tent.

F. Issuance. The Director of Community Development or designee shall review the tent permit application for compliance with this Section, and if the tent complies with this Section, shall issue a tent permit.

G. Emergencies. As deemed appropriate and necessary by the City Manager or designee, tents may be erected without a tent permit for emergency purposes or for the coordination and conduct of emergency activities.

(Ord. 2004-18 § 2 (part))

Town of Phillipsburg, NJ

Warren County



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Chapter 550: STRUCTURES, TEMPORARY

[HISTORY: Adopted by the Town Council of the Town of Phillipsburg 2-1-2005 by Ord. No. O-2005-06. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 235.
Fire prevention — See Ch. 311.

§ 550-1 Purpose.

§ 550-2 Definitions.

§ 550-3 Setbacks; structural requirements.

§ 550-4 Permit required.

§ 550-5 Permit application.

§ 550-6 Time limitations; permit fee.

§ 550-7 Removal of temporary structures.

§ 550-8 Violations and penalties.

§ 550-1 Purpose.

The purpose of this chapter is to insure the health and safety and reasonable enjoyment of one's property for all residents of the Town of Phillipsburg by providing requirements and time limits for temporary structures erected on commercial or residential property.

§ 550-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ATTRACTIVE NUISANCE

A public or private condition that would constitute a nuisance according to the laws of the state and/or Town ordinance, and specifically including, but not limited to, the following:

- A. Any open, unsecured or unsupervised temporary structure found to be an attraction to trespassers shall be deemed to be an attractive nuisance.
- B. Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
- C. Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
- D. Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damaged by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

TEMPORARY STRUCTURE

Structures utilized on a short-term, seasonal or intermittent basis, such as tents, canopies, metal storage sheds or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code. Children's play tents and equipment or other leisure seasonal canopies not used for storage are excluded from the requirements of this chapter. Said structures shall not be permitted in areas visible from the public

right-of-way unless specifically approved and authorized by a zoning permit from the Zoning Official. Temporary structures will not be permitted if the structure(s) create an attractive nuisance or pose any other threat to the health, safety and/or well-being of the community.

§ 550-3 Setbacks; structural requirements.

All temporary structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

A. Setbacks.

- (1) Temporary structure(s) erected in any residential zone shall not be permitted within a front yard setback and only within a side yard that does not abut a public right-of-way. Temporary structure(s) within a side yard shall meet the minimum setback requirements in accordance with Chapter 625, 625-80, Schedule of Area, Lot and Bulk Requirements. Temporary structure(s) in a rear yard shall be at least three feet from any side or rear property line. Temporary structures in the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back 15 feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.
- (2) Temporary structures erected in any commercial zone or adjacent to any residential properties or zone shall meet the setback requirements in accordance with Chapter 625, Zoning, for the commercial or the residential zone, whichever is greater. All measurements shall be taken from the furthest projection or overhang.

B. Structural requirements and dimensions. All tent, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code. Temporary structures shall not exceed 15 feet in height if detached from the main structure.

§ 550-4 Permit required.

No temporary structure shall be erected, constructed, or placed upon any property without first obtaining a zoning permit from the Zoning Official. The issuance of a temporary structure permit which is subject to the provisions of the New Jersey Uniform Construction Code shall be reviewed and approved by the Construction Official. In making the determination as to whether to issue said permit, the Construction Official shall consult with the local Fire Official whenever a separate permit must also be secured under the New Jersey Uniform Fire Code. Further, the Construction Official may impose certain reasonable requirements as may be required to keep the temporary structure from becoming unsafe to the surrounding properties.

§ 550-5 Permit application.

Prior to the issuance of a zoning permit, the applicant shall file an application with the Zoning Official providing the following information. For any temporary structure which requires a construction permit or Uniform Fire Code permit; the applicant shall also be required to make an application for and obtain the required permits from the appropriate enforcing agency.

- A. The name, address and telephone number of the applicant seeking the permit.
- B. The name, address and telephone number of the property owner where the temporary structure is to be erected, constructed or placed.
- C. A description or plot plan of where the proposed temporary structure is to be erected, constructed or placed on the property.
- D. The need for the temporary structure and the period of time the proposed structure will be present on the property.
- E. A description, including the dimensions and the materials to be utilized for the construction of the temporary structure which is to be erected, constructed, or placed upon the property.

§ 550-6 Time limitations; permit fee.

Upon approval by the Zoning Official and payment of a permit fee, the Zoning Official shall issue a permit to the applicant. The permit shall be issued for a minimum period of 30 days and shall not exceed 90 days in a one-hundred-eighty-day period. The permit fee shall be \$50 for the first month and \$25 for each month or portion thereof, per structure.

§ 550-7 Removal of temporary structures.

All such temporary structures shall be removed from the property at the expiration of the time period delineated in the permit.

§ 550-8 Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be liable to a penalty as stated in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Town of Phillipsburg.

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Chapter 550. STRUCTURES, TEMPORARY

[HISTORY: Adopted by the Town Council of the Town of Phillipsburg 2-1-2005 by Ord. No. O:2005-06. Amendments noted where applicable.]

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- B. Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
- C. Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
- D. Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damaged by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

TEMPORARY STRUCTURE

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All temporary structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

A. Setbacks.

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the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back 15 feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.

- (2) Temporary structures erected in any commercial zone or adjacent to any residential properties or zone shall meet the setback requirements in accordance with Chapter 625, Zoning, for the commercial or the residential zone, whichever is greater. All measurements shall be taken from the furthest projection or overhang.

B. Structural requirements and dimensions. All tent, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code. Temporary structures shall not exceed 15 feet in height if detached from the main structure.

§ 550-4. Permit required.

No temporary structure shall be erected, constructed, or placed upon any property without first obtaining a zoning permit from the Zoning Official. The issuance of a temporary structure permit which is subject to the provisions of the New Jersey Uniform Construction Code shall be reviewed and approved by the Construction Official. In making the determination as to whether to issue said permit, the Construction Official shall consult with the local Fire Official whenever a separate permit must also be secured under the New Jersey Uniform Fire Code. Further, the Construction Official may impose certain reasonable requirements as may be required to keep the temporary structure from becoming unsafe to the surrounding properties.

§ 550-5. Permit application.

Prior to the issuance of a zoning permit, the applicant shall file an application with the Zoning Official providing the following information. For any temporary structure which requires a construction permit or Uniform Fire Code permit; the applicant shall also be required to make an application for and obtain the required permits from the appropriate enforcing agency.

- A. The name, address and telephone number of the applicant seeking the permit.
- B. The name, address and telephone number of the property owner where the temporary structure is to be erected, constructed or placed.
- C. A description or plot plan of where the proposed temporary structure is to be erected, constructed or placed on the property.
- D. The need for the temporary structure and the period of time the proposed structure will be present on the property.
- E. A description, including the dimensions and the materials to be utilized for the construction of the temporary structure which is to be erected, constructed, or placed upon the property.

§ 550-6. Time limitations; permit fee.

Upon approval by the Zoning Official and payment of a permit fee, the Zoning Official shall issue a permit to the applicant. The permit shall be issued for a minimum period of 30 days and shall not exceed 90 days in a one-hundred-eighty-day period. The permit fee shall be \$50 for the first month and \$25 for each month or portion thereof, per structure.

§ 550-7. Removal of temporary structures.

All such temporary structures shall be removed from the property at the expiration of the time period delineated in the permit.

§ 550-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be liable to a penalty as stated in Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Town of Phillipsburg.

SECTION 8.11.1 TEMPORARY STRUCTURES/ TEMPORARY USES¹

Temporary structures and/or temporary uses are permitted only as expressly provided in this section. No temporary use or temporary structure shall be established unless a zoning certificate evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued, as provided in Section 3.1, *Building Permit Required*.

Exemptions. Temporary Uses located in Temporary Structures that do not exceed 3 days in a 12-month time period and the temporary structure is 800 square feet or less in size will not require a building permit nor a zoning certificate. If the event is to be held at a recognized celebration site for special events, special observances, special functions, special days and the like, the 12-month time separation requirement between events will be waived. Celebration sites include all places of worship, country clubs, hotels, conference centers, bed and breakfast facilities, recognized places of receptions, public parks, etc.

The following are temporary uses, which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

A. Temporary Tent Sales, Sales Using Non-Permanent/Temporary Structures, and Outdoor Sales/Service Activity

1. The outdoor storage or display of merchandise, or the performance of an outdoor activity (i.e., car wash, auto-detailing service, etc.) shall be exempt from the following requirements if the merchandise is located or the service performed under an approved permanent structure or approved permanent outdoor display area which are designated as such on an approved site plan. The permanent structure or permanent display area shall not occupy required parking spaces, nor interfere with driveway aisles, ingress and egress, sight triangles, required setbacks, or required buffer yards.
2. Temporary tent sales and temporary outdoor sales/service activity shall be permitted only in the C-3 (General Commercial), C-2 (Office/Retail), C-1 (Downtown Commercial), I-1 (Institutional), R-1 (Rural), M-1 (Industrial), M-2 (Industrial), and the GC-2 (Gateway Overlay Corridor Zone) zoning districts.
3. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display and/or the location of any outdoor service or activity to be performed. The structure, merchandise or activity shall not occupy required parking spaces, nor interfere with driveway aisles, ingress and egress, sight triangles, required setbacks, or required buffer yards.
4. All proposed signs shall be shown on the site plan. Temporary signs, together with any permanent signs on the site, shall conform with all applicable sign regulations as specified in Section IX Sign Regulations.
5. All electrical connections shall be inspected and approved by the Building Inspection Department.
6. All appropriate permits shall be obtained from the building inspector, city engineer, and city planner prior to operation.
7. The Planning Director and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.

¹ Ordinance #128-97

8. The maximum length of the permit shall be 30 days. A maximum of four (4) permits per calendar year may be authorized, and at least 60 days shall elapse between the expiration of one permit and the approval of another.
9. Before a temporary permit is granted, the owner or agent shall sign a statement stating that the temporary structure, decorative materials and tarpaulins meets the requirements for fire resistance prescribed in NfiPA 701, and that such fire resistance is effective for the period specified by the permit. A certificate of flame resistance, issued by the manufacturer, shall be located on the structure.
Ground within and adjacent to temporary structures shall be cleared of all grass, underbrush or similar fire hazards.

B. Temporary or permanent stands, tents, canopies, etc., erected for the purpose of sale of vegetables, fruits, produce, Christmas Trees, or goods of any kind are prohibited in any residential zoning district [except R-1(Rural District)] unless sales will not exceed 3 days in a 12-month period and the structure is 400 square feet or less in size, in which case, a permit will not be required.

C. Tents for public assembly or for public use, or temporary commercial recreational facilities, such as carnivals and fairs, revivals and special events of public interest shall be permitted in any C-3 (General Commercial), C-2 (Office/Retail), C-1 (Downtown Commercial), I-1 (Institutional), M-1 (Industrial), and M-2 (Industrial) districts for periods not to exceed 30 days in a 12-month period and in accordance with the following:

1. Before a temporary permit is granted, the owner or agent shall sign a statement stating that the temporary structure, decorative materials and tarpaulins meets the requirements for fire resistance prescribed in NfiPA 701, and that such fire resistance is effective for the period specified by the permit. A certificate of flame resistance, issued by the manufacturer, shall be located on the structure.
2. Ground within and adjacent to tents shall be cleared of all grass, underbrush or similar fire hazards.
3. Documentation from the Lee County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.
4. All uses shall be confined to the dates specified in the permit.
5. All uses shall observe the minimum setback requirements of the district, except when adjacent to a residential district, when the minimum setback shall be 50 feet.
6. It is recommended that ingress and egress from a street be maintained so as not to impede the normal flow of circulation of traffic. The traffic circulation plan shall be approved by the city engineer in accordance with all applicable codes.
7. Adequate temporary or permanent sanitary facilities shall be provided.
8. All appropriate permits shall be obtained from the building inspector, city engineer, and city planner prior to operation.
9. The Planning Director and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.
10. Central loudspeakers and amplified noise levels objectionable at the property line shall be prohibited.
11. No permanent or temporary lighting shall be installed without an electrical permit and inspection.

12. Any outdoor lighting shall be installed to preclude the direct illumination of adjacent properties or the creation of glare from the fixtures beyond the property line or on the street.

D. Real Estate sales office

1. Permitted in any district for any new subdivision approved in accordance with the Opelika Subdivision Regulations. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office for the duration of the temporary use zoning certificate.
2. Maximum length of permit shall be one (1) year.
3. Office shall be removed upon completion of the development of the subdivision.

E. Temporary Construction Office

A temporary structure or structures for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period. Temporary buildings related to a subdivision development shall be removed when construction ceases for a period of six consecutive months.

F. Temporary shelter

1. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
2. Required water and sanitary facilities must be provided.
3. Maximum length of permit shall be six (6) months, but the Building Inspection Department may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least 15 days prior to expiration of the original permit. In no case shall the length of the original permit plus all extensions exceed one (1) year.
4. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence.

G. Temporary Business Uses in Existing Permanent Structures

Provisions authorizing temporary business uses are intended to permit a business for a limited time due to inadequate market supply or zoning provisions. Temporary business uses may be authorized and subject to specific limitations and requirements as established by the Chairman of Planning Commission or his/her designee, Director of Planning, Director of Engineering, and the Chief Building Inspector. The following are requirements for a temporary business license:

1. No temporary business shall conduct business for more than 180 days. A temporary business license is required and shall expire on the 180th day from the date the temporary business license was issued. No extensions shall be granted. No temporary business license shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall be thereafter null and void. A temporary business license held by an individual in a corporation or partnership is subject to the same rules of transferability as contained

above. Any change in the nature or composition of the temporary business from one type of temporary business use to another type of temporary business use shall also render the license null and void. A temporary business license shall be valid only for the exact location specified in the license.

2. If the business owner desires to continue business operations beyond 180 days a permanent business license is required. The business owner must first obtain conditional use approval from the Planning Commission before a permanent business license is granted. Planning Commission approval must be acquired before the 180 days expiration date. If applicable, a bond and letter of credit or equivalent shall be submitted covering costs of all required improvements on the property at the time of Planning Commission review.

The Chairman of the Planning Commission or designee, Director of Planning, Director of Engineering, and the Chief Building Inspector shall use the following criteria to determine if a temporary business permit should be allowed:

1. A temporary business permit may be allowed only in commercial and industrial zoning districts where the proposed use is outright allowed or required to obtain conditional use approval.
2. The business owner must provide a written narrative explaining that the size of existing facilities does not meet the needs of the business or existing facilities are unavailable.
3. The temporary business must be compatible with the surrounding uses and not create an adverse effect on adjacent properties.
4. The temporary business activities and/or display of products must be conducted within an enclosed building.
5. The proposed site is adequately served by streets having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
6. The proposed site has adequate designated parking and loading/unloading facilities to accommodate traffic generated by the temporary use.
7. The building for the temporary business must meet Opelika Building Codes.

Ordinance No. 159-01; September 4, 2001.

ORDINANCE NO. 1033-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-025, AWNINGS AND CANOPIES IN ALL ZONING DISTRICTS, TO PROVIDE CLARIFYING LANGUAGE TO BETTER DIFFERENTIATE AND DESCRIBE PORTABLE AND PERMANENT SELF-SUPPORTING AND FREE-STANDING CANOPIES; ESTABLISHING RULES AND REGULATIONS FOR THE LOCATION, PLACEMENT, AND INSTALLATION OF SELF-SUPPORTING AND FREE-STANDING CANOPIES ON PROPERTIES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, there has been some confusion regarding the rules and regulations applicable to portable and permanent self-supporting and free-standing canopies located, placed and installed on properties in the single-family zoning districts of the City; and,

WHEREAS, it has become apparent that many portable self-supporting and free-standing canopies have already been placed on single-family residential properties in the City without permitting; and,

WHEREAS, the Building and Code Compliance Departments of the City have recommended to the City Council that portable and permanent self-supporting and free-standing canopies should be subject to separate rules and regulations; and,

WHEREAS, the City Council has considered the differences between the types of self-supporting and free-standing canopies and is desirous of providing appropriate rules and regulations for the location, placement and installation of each of the types of canopies; and,

WHEREAS, the City Council of the City of Miami Springs has determined that the amended rules and regulations for the location, placement and installation of portable and permanent self-supporting and free-standing canopies is appropriate and in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 150-025, Awnings and Canopies in all Zoning Districts, shall be amended as follows:

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...
- (G) ...

(H) Location of Awnings.

(1) Single-family residential and duplex zoned districts.

(a) ~~All window and door awnings shall be attached to the building, and may be located on the front, side, or rear of said building, and may be located in required setback areas.~~

(b) ~~No self-supporting or free-standing shelter canopy, carport canopy or entrance canopy is permitted in the required front yard area.~~

(b) The awnings may be located on the front, side, or rear of said building, and may extend into required setback areas.

~~(c) No self-supporting or free-standing canopy or carport canopy is permitted in the required side yard setback or rear yard setback area. However, the City Board of Adjustment may grant a variance from this side and rear yard restriction if the requested awning or canopy will be properly screened from adjoining properties and streets, will not create a violation of the public health, safety and welfare, and is supported by the establishment of a hardship in accordance with the standards set forth in this Code.~~

(2) All other zoned areas.

~~(a) All window and door awnings and canopies shall be attached to the building, and may be located on the front, side or rear of that building.~~

~~(b) No self-supporting or free-standing canopy shall be erected without a variance having been approved by the Board of Adjustment.~~

~~(b) The awnings may be located on the front, side or rear of the building.~~

(I) ...
(J) ...
(K) ...
(L) ...
(M) ...

(N) Self-supporting and free-standing canopies in the residential districts of the City.

(1) Self-supporting and free-standing canopies shall be permitted in the single-family residential zoning districts of the city in accordance with the following rules and regulations.

(2) Portable or temporary self-supporting and free-standing canopies shall not require permanent anchoring to the ground or an approved cement slab and shall be capable of being completely disassembled and stored within a period of three hours.

(a) Such canopies shall not require permitting prior to placement.

(b) No such canopies shall be permitted to be located in the front yard area of any single-family residential property.

- (c) Such canopies may not be placed or located closer than five (5) feet from any side or rear property line of any single-family residential property.
- (3) Permanent self-supporting and free-standing canopies shall be required to be anchored to the ground, an approved cement slab, or other permanent support structure authorized and approved by the City Building Department.
 - (a) The installation of such canopies shall require proper permitting and inspection by the City Building Department.
 - (b) No such canopies shall be permitted to be located in the front yard area of any single-family residential property.
 - (c) Such canopies may not be permanently installed within the required side or rear yard setback areas of any single-family residential property.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

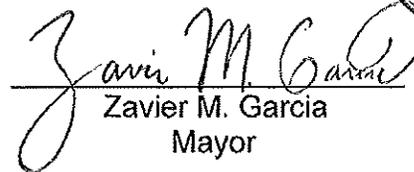
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PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 9th day of April, 2012.

The motion to adopt the foregoing ordinance was offered on second reading by Vice Mayor Lob, seconded by Councilman Best, and on roll call the following vote ensued:

Vice Mayor Lob	"aye"
Councilman Best	"aye"
Councilman Espino	"aye"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"




Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 03/26/2012
Second reading: 04/09/2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE AMENDING CHAPTER 7 "BUILDINGS AND BUILDING REGULATIONS, SECTION 7-17 "CONFLICTS WITH CODE" TO ALLOW FOR THE REGULATION OF FREESTANDING CANOPIES THAT IS LESS STRINGENT THAN THE FLORIDA BUILDING CODE; ADOPTING SECTION 7-20 "CANOPIES" ALLOWING EXISTING UNPERMITTED CANOPIES CONSTRUCTED ON OR BEFORE JANUARY 1, 2012, TO REMAIN, PROVIDING FOR THE REGISTRATION OF SUCH UNPERMITTED CANOPIES, AND PROVIDING REGULATIONS FOR SUCH CANOPIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has adopted the Florida Building Code, adopted October 1, 2005, as set forth in Chapter 7 "Buildings and Building Regulations," section 7-16 "Adoption of Standard Building Code";

WHEREAS, the City's Code of Ordinances, section 7-17 requires that if there is conflict between regulations found in the Code and regulations found in the Florida Building Code, the more stringent regulation shall apply, and the City wishes to provide exceptions to this requirement; and

WHEREAS, the Florida Building Code regulates the construction of temporary structures such as canopies; and

WHEREAS, the City Commission wishes to allow those free-standing canopies erected on or before January 1, 2012, to register with the City's Building Department and after such full and proper registration to remain on the respective property if they meet certain criteria; and

WHEREAS, the City finds these amendments to be in the best interest of the health, safety and welfare of the residents of the City.

Ordinance No. _____ Continued

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA THAT:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Commission of the City of Belle Glade.

Section 2. Chapter 7 "Buildings and Building Regulations," Section 7-17 "Conflicts with Code" of the Code of Ordinances of the City of Belle Glade is hereby amended to read as follows:

7-17. Conflicts with Code.

Unless otherwise set forth in this Chapter, ~~Where~~ there is a conflict between the provisions of the Florida Building Code and other provisions of this Code of Ordinances, the provisions that are most stringent shall prevail.

Section 3. Chapter 7 "Buildings and Building Regulations," Section 7-20 "Canopies" of the Code of Ordinances of the City of Belle Glade is hereby created and adopted to read as follows:

Sec. 7-20. Canopies, Reserved.

(a) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Freestanding canopy means a non-habitable, self-supporting structure with a protective roof-like covering of canvas, cloth, rubber, plastic or other similar material, mounted on or attached to a framework that provides shelter or protection from the weather for the contents below, if any. A freestanding canopy is not attached to, or supported by a

building or other structure nor is it permanently attached to the ground by means of concrete or other permanent foundation.

(b) Prohibitions; exceptions; regulations.

(1) Freestanding canopies erected after December 31, 2011 are prohibited within the city unless they are erected for five (5) days or less within any 90 day period and they meet the requirements set forth in paragraph (3)(a) through (f).

(2) All other canopies, except as otherwise set forth herein, shall meet the requirements of the Florida Building Code.

(3) Freestanding canopies erected prior to January 1, 2012, may remain in place, provided that all of the following conditions are complied with by the owner of the property:

a. All freestanding canopies must be located in compliance with all setback requirements set forth in this Code of Ordinances.

b. The highest point of any freestanding canopy shall not exceed twelve (12) feet above the adjacent grade.

c. The maximum size of any freestanding canopy shall be thirty (30) feet by forty (40) feet in commercial zoning districts and eighteen (18) feet by twenty-four (24) feet in residential zoning districts.

d. All freestanding canopies must be kept in good repair at all times.

e. Freestanding canopies shall not be installed in or on any public utility or drainage easement without the owner having first executed a hold harmless/indemnification agreement with the city.

f. The roof-like covering of all freestanding canopies must be removed in the event of tropical storm force winds or greater. Coverings are to be removed within twelve (12) hours of an announcement of a tropical storm warning by the National Weather Service or any other recognized weather authority and remain so until such time as the wind force is less than tropical storm strength.

g. Freestanding canopies are to be anchored with one (1) screw auger having at least thirty-six (36) inches of penetration into the ground at each supporting vertical member. The anchoring of a freestanding canopy in accordance with this subsection does not remove the canopy from the definition of a freestanding canopy.

h. The use of the freestanding canopy shall cease and the canopy shall be removed by the property owner upon either the sale or transfer of the property, an increase in the nonconformity, a violation of any provision of section 7-20 or when the use is abandoned for more than six (6) months. Abandonment shall be established when the canopy is removed from the property or does not provide shelter for any personal property for the established time period. The city reserves the right to adopt future legislation that prohibits all freestanding canopies, including preexisting canopies.

i. Owner or owner's agent shall register the freestanding canopy with the city's building official and shall provide the city proof that the canopy existed on or before January 1, 2012 and that it is in compliance with the

Ordinance No. _____ Continued

criteria set forth in this subsection (3). Proof may include, but is not limited to, aerials, property appraiser cards, or other documentary evidence. This registration and proof must be completed and submitted to the city no later than December 1, 2012. A property owner whose property is not properly registered with the city's building official on or before December 1, 2012, shall be required to remove the freestanding canopy on or before January 1, 2013.

(c) Violations. A violation of this section shall be enforced through the code enforcement special magistrate process set forth in Chapter 2 of this Code of Ordinances and through any other available remedy at law or in equity.

Section 4. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 6. Specific authority is hereby granted to codify this ordinance.

Section 7. This ordinance shall take effect immediately upon adoption.

The foregoing ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	_____	_____
Vice Mayor Wilkerson	_____	_____
Commissioner Asia-Holley	_____	_____
Commissioner Gear	_____	_____
Commissioner Martin	_____	_____

PASSED on first reading at _____ Session of the City Commission held on _____, 2011.

Ordinance No. _____ Continued

The foregoing ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	_____	_____
Vice Mayor Wilkerson	_____	_____
Commissioner Asia-Holley	_____	_____
Commissioner Grear	_____	_____
Commissioner Martin	_____	_____

PASSED on second and final reading at _____ Session of the City Commission held on _____, 2011.

CITY OF BELLE GLADE, FLORIDA

(MUNICIPAL SEAL)

Mayor-Commissioner

ATTEST:

Debra R. Buff, CMC
City Clerk

Commissioners

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Glen J. Torcivia, City Attorney

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TAB

B

TAB

B

**LONG BEACH CITY COUNCIL MEETING
SEPTEMBER 16, 2013**

CALL TO ORDER

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance.

ROLL CALL

David Glasson, Finance Director, called roll with Mayor Andrew, C. Linhart, C. Hansen, C. Perez, C. Murry and C. Phillips.

CONSENT AGENDA

Minutes, September 3, 2013 Regular City Council meeting

Payment Approval List for Warrant Registers 53376-53425 & 71965-72027 for \$622,781.69

C. Linhart made the motion to approve the consent agenda with C. Phillips seconding the motion. 5 Ayes 0 Nays, motion passed.

BUSINESS

AB 13-40 Squirting Clam Park Project

David Glasson, Finance Director, presented the agenda bill. He explained the project was not in the budget, but if it is to be completed by next spring then some work would need to be done this fall.

Motion by C. Linhart to approve the agenda bill with the second made by C. Murry. 5 Ayes 0 Nays, motion passed.

AB 13-41 AWC Employee Benefit Trust Interlocal Agreement

Resolution 2013-05 is allowing the City of Long Beach to join the AWC Employee Benefit Trust. The purpose of the agreement is to allow the city to continue to use AWC for medical, dental and vision coverage. The AWC board has decided to self-insure to save costs. **C. Hansen made the motion to adopt the Resolution with C. Phillips seconding the motion. 5 Ayes 0 Nays, motion passed.**

ORAL REPORTS

C. Linhart, C. Hansen, C. Perez, C. Murry, C. Phillips, Mayor Andrew, David Glasson, Finance Director and LBVFD Chief and Gayle Borchard, Community Development Director contributed to oral reports.

CORRESPONDENCE AND WRITTEN REPORTS

Correspondence – Police Report for August

Business License – The Wrecktory; 2006 Ocean Beach Blvd N.

Business License – Riptide Threads; 1114 Pacific Ave S

PUBLIC COMMENT

Natalie St. John, news correspondent for the Chinook Observer, introduced herself.

ADJOURNMENT

C. Phillips made the motion to adjourn at 7:38 p.m. with C. Linhart seconding the motion. 5 Ayes 0 Nays, motion passed.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2013 - September - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member _____ Council Member _____ Council Member _____ Finance Director _____

Number	Name	Print Date	Clearing Date	Amount
53426	Bell, Helen S	9/20/2013		\$704.01
53427	Binion, Jacob	9/20/2013		\$1,280.26
53428	Bledsoe, Linda	9/20/2013		\$824.29
53429	Booi, Kristopher A	9/20/2013		\$971.56
53430	Borchard, Gayle	9/20/2013		\$1,834.27
53431	Cutting, Jeffrey G.	9/20/2013		\$2,346.37
53432	Daulton, Alan T	9/20/2013		\$443.92
53433	Fitzgerald, Rick E.	9/20/2013		\$1,413.54
53434	Gilbertson, Bradley K	9/20/2013		\$1,612.54
53435	Glasson, David R.	9/20/2013		\$2,397.36
53436	Goulter, John R.	9/20/2013		\$1,464.85
53437	Gray, Karen	9/20/2013		\$668.21
53438	Gray, Rick R.	9/20/2013		\$2,589.69
53439	Hickman, Jordan	9/20/2013		\$634.66
53440	Huff, Timothy M.	9/20/2013		\$1,435.43
53441	Huffman, Leroy H	9/20/2013		\$605.33
53442	Kirby, Gary E	9/20/2013		\$902.41
53443	Kitzman, Michael	9/20/2013		\$1,958.49
53444	Luethe, Paul J	9/20/2013		\$1,876.39
53445	Meling, Casey K	9/20/2013		\$1,892.89
53446	Miles, Eugene S	9/20/2013		\$2,413.10
53447	Mortenson, Tim	9/20/2013		\$2,195.28
53448	Myers, Ragan S.	9/20/2013		\$1,312.55
53449	Nawn, Rodney J.	9/20/2013		\$1,293.45
53450	Ostgaard, Loretta G	9/20/2013		\$1,306.03
53451	Padgett, Timothy J	9/20/2013		\$1,499.04
53452	Parker, Michael T	9/20/2013		\$1,632.12
53453	Ross, Steven J	9/20/2013		\$1,678.46
53454	Russum, Richard	9/20/2013		\$1,844.11

Number	Name	Print Date	Clearing Date	Amount
53455	Warner, Ralph D.	9/20/2013		\$2,133.61
53456	Wright, Flint R	9/20/2013		\$2,265.91
53457	Zuern, Donald D.	9/20/2013		\$1,896.92
53458	AFLAC	9/20/2013		\$375.35
53459	Association of WA Cities	9/20/2013		\$12,873.21
53460	City of Long Beach - Fica	9/20/2013		\$10,681.62
53461	City of Long Beach - FVH	9/20/2013		\$9,242.28
53462	Dept of Labor & Industries	9/20/2013		\$1,653.86
53463	Dept of Retirement Systems	9/20/2013		\$8,950.74
53464	Dept of Retirement Systems Def Comp	9/20/2013		\$1,033.00
53465	Massmutual Retirement Services	9/20/2013		\$325.00
53466	Teamsters Local #58	9/20/2013		\$123.50
53467	United Employee Benefit Trust (UEBT)	9/20/2013		\$3,726.00
53468	United Employee Benefit Trust (UEBT)	9/16/2013		\$964.00
72028	North Coast Truck Parts	9/16/2013		\$244.85
72029	Boggs, Arlie H.	9/17/2013		\$667.00
72030	Byron, Nicholas	9/17/2013		\$667.00
72031	CELIS, VICTOR	9/17/2013		\$498.50
72032	EASTHAM, JESSE	9/17/2013		\$508.00
72033	FULLER, ERIC	9/17/2013		\$705.00
72034	Iversen, Christian D	9/17/2013		\$489.00
72035	Kessler, Leon	9/17/2013		\$508.00
72036	Kunkel, Jeremy	9/17/2013		\$489.00
72037	Layman, Heath	9/17/2013		\$667.00
72038	LEE, KEVIN	9/17/2013		\$517.50
72039	Lester, Jerry B	9/17/2013		\$489.00
72040	LUPO, CLARENCE	9/17/2013		\$508.00
72041	Martin, Kevin	9/17/2013		\$771.50
72042	MILLER, JOSHUA	9/17/2013		\$572.00
72043	MUSSO, JOHN	9/17/2013		\$517.50
72044	Nelson, Elliott	9/17/2013		\$470.00
72045	Old Republic Title and Escrow	9/17/2013		\$5.80
72046	PADGETT, SMOKEY	9/17/2013		\$517.50
72047	PARKER, STEVE	9/17/2013		\$512.75
72048	PERKINS, JASON	9/17/2013		\$489.00
72049	QUEEN, JAMES	9/17/2013		\$517.50
72050	Stenquist, Robert	9/17/2013		Void
72051	Vance, Brett	9/17/2013		\$470.00
72052	WATTS, BRUCE	9/17/2013		\$527.00
72053	Worley, Charlie	9/17/2013		\$489.00
72054	Tangly Cottage Garden	9/16/2013		\$549.78
72055	Gray, Karen	9/24/2013		\$93.84
72057	Standard Insurance Co.	9/24/2013		\$1,400.50
72058	Borchard, Gayle	9/24/2013		\$503.49
72059	Stennick, Justin	9/24/2013		\$318.00
72060	Borchard, Gayle	9/24/2013		Void

Number	Name	Print Date	Clearing Date	Amount
72061	Jewell, Kyle	9/25/2013		\$225.00
72062	Gray, Rick	9/25/2013		\$140.12
72063	Unum Life Insurance	9/25/2013		\$45.60
72064	Stennick, Justin	9/26/2013		\$190.00
72066	Glasson, David	9/27/2013		\$101.70
72067	At&t Mobility	9/27/2013		\$52.41
72068	BLUE BOOK	9/27/2013		\$22.95
72069	CenturyLink	9/27/2013		\$1,769.03
72070	Zhu, Da Zhou	9/27/2013		\$115.00
72071	Gilbertson, Brad	9/30/2013		Void
72072	Gilbertson, Brad	9/30/2013		Void
72073	Gilbertson, Brad	9/30/2013		\$313.31
72074	Gray, Karen	9/30/2013		\$313.31
72075	Miles, Gene	9/30/2013		\$523.02
72076	Postmaster	10/1/2013		\$419.95
72077	Tangly Cottage Garden	10/1/2013		\$49.57
72078	Aiken, James	10/1/2013		\$22.29
72080	Bardonski, Cory	10/1/2013		\$11.14
72081	Hoover, Branden	10/1/2013		\$71.86
72082	Jewell, Kyle	10/1/2013		\$89.14
72083	Lopez, Daniel	10/1/2013		\$22.29
72084	Oman, Steve	10/1/2013		\$22.29
72085	Phillips, Johnny	10/1/2013		\$89.14
72086	Williams, David	10/1/2013		\$11.14
72087	Yasunaka, Derek	10/1/2013		\$11.14
72088	Zuern, Donald	10/1/2013		\$11.14
72089	A-1 Redi Mix	10/4/2013		\$622.01
72090	Addy Lab, Lic	10/4/2013		\$190.00
72091	Airgas USA LLC	10/4/2013		\$24.52
72092	All Safe Mini Storage	10/4/2013		\$570.00
72093	Alsco-American Linen Div.	10/4/2013		\$312.63
72094	Arts Auto Parts Inc.	10/4/2013		\$279.40
72095	Astoria Ford	10/4/2013		\$417.30
72096	Astoria Janitor & Paper Supply	10/4/2013		\$1,587.60
72097	Backflow Management Inc	10/4/2013		\$1,500.00
72098	Bailey's Saw Shop	10/4/2013		\$66.72
72099	BEACH BATTERIES	10/4/2013		\$12.10
72100	C - More Pipe Services	10/4/2013		\$3,773.00
72101	Cascade Columbia Distribution CO	10/4/2013		\$4,884.52
72102	Chinook Observer	10/4/2013		\$145.50
72103	City of Long Beach	10/4/2013		\$1,398.92
72104	Columbia Steel Supply	10/4/2013		\$135.26
72105	CRUISE MASTER PRISMS	10/4/2013		\$15.00
72106	CURRAN-McLEOD, INC	10/4/2013		\$1,872.00
72107	DAVIS WRIGHT TREMAINE LLP	10/4/2013		\$23,989.40
72108	Department of Licensing	10/4/2013		\$18.00

Number	Name	Print Date	Clearing Date	Amount
72109	Englund Marine Supply	10/4/2013		\$205.97
72110	Evergreen Rural Water of	10/4/2013		\$452.65
72111	Evergreen Septic Service	10/4/2013		\$1,437.70
72112	Ferguson Enterprises, Inc #3001	10/4/2013		\$536.18
72113	Ford Electric	10/4/2013		\$136.41
72114	GE Analytical Instruments, Inc	10/4/2013		\$515.82
72115	Glasson, David	10/4/2013		\$452.90
72116	Hach Company	10/4/2013		\$2,105.89
72117	Haskin, Katie	10/4/2013		\$832.05
72118	Hedges, Jan Lem	10/4/2013		\$422.00
72119	Interstate Battery	10/4/2013		\$128.23
72120	KEYBANK	10/4/2013		\$10,254.25
72121	L.N. Curtis & Sons	10/4/2013		\$421.21
72122	LACAL EQUIPMENT, INC	10/4/2013		\$1,253.26
72123	Long Beach Commercial Security	10/4/2013		\$109.68
72124	Long Beach Merchants	10/4/2013		\$2,982.09
72125	Loyalty Days	10/4/2013		\$700.00
72126	Mettler-Toledo, Inc.	10/4/2013		\$234.47
72127	Naselle Rock & Asphalt	10/4/2013		\$2,875.00
72128	NASELLE-GRAYS RIVER SCHOOL DIST	10/4/2013		\$250.00
72129	Nawn, Rodney	10/4/2013		\$10.00
72130	One Call Concepts, Inc.	10/4/2013		\$70.21
72131	Pacific County	10/4/2013		\$305.00
72132	Pacific County Auditor	10/4/2013		\$72.00
72133	Pacific Polygraph & Investigation	10/4/2013		\$600.00
72134	Parkson Corporation	10/4/2013		\$436.35
72135	Peninsula Laundry Center	10/4/2013		\$85.00
72136	Peninsula Rotary	10/4/2013		\$154.00
72137	Peninsula Sanitation	10/4/2013		\$1,682.76
72138	Peninsula Visitors Bureau	10/4/2013		\$1,640.00
72139	Penoyar, William	10/4/2013		\$1,000.00
72140	Pepper Tree Inn - Auburn	10/4/2013		\$404.60
72141	Pitney Bowes Inc	10/4/2013		\$681.63
72142	Public Utility District 2	10/4/2013		\$9,920.76
72143	Recall Secure Destruction Services	10/4/2013		\$88.93
72144	Rodeway Inn	10/4/2013		\$6,231.02
72145	Sandy's Guns and Ammo	10/4/2013		\$48.51
72146	Seaside Chamber of Commerce	10/4/2013		\$75.00
72147	Sid's Iga	10/4/2013		\$686.42
72148	South Pacific County Technical	10/4/2013		\$12,000.00
72149	STAPLES ADVANTAGE	10/4/2013		\$931.71
72150	Starvation Alley Farms	10/4/2013		\$75.00
72151	Traffic Guard Direct,Llc	10/4/2013		\$64.00
72152	Tse, Brian P	10/4/2013		\$237.19
72153	U.S Cellular	10/4/2013		\$703.08
72154	Universal Blower Pac, Inc	10/4/2013		\$379.40

Number	Name	Print Date	Clearing Date	Amount
72155	Usa Blue Book	10/4/2013		\$178.89
72156	Visa	10/4/2013		\$3,428.67
72157	Weatherby, Cheryl	10/4/2013		\$273.75
72158	WEST, BRYAN	10/4/2013		\$200.00
72159	Whitney Equipment Co. Inc	10/4/2013		\$4,965.08
72160	Wilcox & Flegel	10/4/2013		\$1,991.38
72161	Wilcox & Flegel Oil Co.	10/4/2013		\$5,633.67
72162	WILLABAY	10/4/2013		\$168.96
72163	Zee Medical Service Co.	10/4/2013		\$124.33
720065	Miles, Gene	9/27/2013		\$110.41
	Total		Check	\$243,678.42
	Grand Total			\$243,678.42

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**CITY COUNCIL
AGENDA BILL
AB 13-42**

Meeting Date: Oct. 7, 2013

AGENDA ITEM INFORMATION

SUBJECT: Ordinance No. 895 - Moratorium Regarding All Cannabis (marijuana) Related Land Uses; Declaration of Emergency	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
Other:		
COST: \$ n/a		

SUMMARY STATEMENT: Attached is Ordinance No. 895, a 6-month moratorium on all marijuana-related land uses. The intent of the moratorium is to elicit public comment on and to study land use and enforcement issues related to the growing, production, sale, and use of marijuana and marijuana-containing products for both medical and personal uses. This moratorium is necessary in light of recent changes in Washington law and recent policies enacted by the U.S. Department of Justice, to allow the City to catch up with this rapidly moving topic, and to put into place fair and effective controls.

The City must refer the matter to the Planning Commission for its action: a public hearing, consideration, elicitation of public input, and for development of a recommendation regarding land use controls on medical and personal use marijuana to the City Council. Also, the City must conduct a public hearing at a future meeting.

RECOMMENDED ACTION: *Declare an emergency, adopt Ordinance No. 895 creating a 6-minth moratorium, and schedule a public hearing for the November 18 Council meeting.*

ORDINANCE No. 895

**AN INTERIM ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON
ENACTING A MORATORIUM ON ANY AND ALL LAND USES RELATED TO
CANNABIS (MARIJUANA); PROHIBITING ISSUANCE OF LICENSES OR PERMITS
FOR LAND USES RELATED TO CANNABIS (MARIJUANA); REFERRING THE
MATTER TO THE LONG BEACH PLANNING COMMISSION; ORDERING
TRANSMITTAL TO THE DEPARTMENT OF COMMERCE; PROVIDING FOR A
PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND DECLARING AN
EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for “qualifying patients” to the charge of possession of *Cannabis* (marijuana), and

WHEREAS, the City acknowledges the right of qualified health care professionals to recommend the medical use of *Cannabis* (marijuana), acknowledges the affirmative defense available to qualifying patients for the possession of *Cannabis* (marijuana) as well as the right of patients to designate a “designated provider” who can “provide” rather than sell *Cannabis* (marijuana) to only one patient at any one time, and

WHEREAS, the Legislature has passed Engrossed Second Substitute Senate Bill [E2SSB] 5073 (the Act) and the Governor has signed the bill but has vetoed several sections of the bill, and

WHEREAS, E2SSB 5073 was effective on July 22, 2011, and

WHEREAS, the Act authorizes “collective gardens” in which certain qualifying patients or their providers may produce, grow, and deliver *Cannabis* (marijuana) for medical use, and

WHEREAS, the citizens of the State of Washington passed Initiative 502, allowing the use of marijuana for non-medical purposes, and

WHEREAS, Initiative 502 in part directed the Washington State Liquor Control Board (SLCB) to develop rules and regulations to accomplish the following:

1. Determine the number of producers, processors and retailers of marijuana by county; and
2. Develop licensing and other regulatory measures; and
3. Issue licenses to producers, processors, and retailers at locations which comply with the Initiative’s distancing requirements prohibiting such uses within one thousand feet of schools and other designated public facilities; and
4. Establish a process for the City to comment prior to the issuance of such licenses; and
5. The SLCB has recently announced a delay in the implementation of its rules until December 2013 and a delay in license issuance until approximately June 2014;
6. The SLCB is presently considering whether to conduct environmental review under SEPA; and
7. Upon the SLCB’s completion of its implementation process, the City intends to prepare and effectuate a formal work plan to expeditiously develop a legally-compliant permanent local regulatory framework for marijuana-related uses, and

WHEREAS, the growth, processing, delivery/sale and use of *Cannabis* (marijuana) present immediate potential issues of public safety for surrounding properties as well as for the property on which such activities occur. Furthermore, the location of these activities near schools, day care facilities and other lawful uses presents immediate issues relating to the public welfare and the protection of minors resulting in a public emergency, and

WHEREAS, the City's zoning, licensing, and other development regulations do not address the potential impacts from *Cannabis*- (marijuana-) related land uses and the City needs adequate time to consider what such regulations should be and how to enact them, and

WHEREAS, on August 29, 2013 the United States Department of Justice, Office of the Deputy Attorney General, issued to all U.S. Attorneys a memorandum under the heading "Guidance Regarding Marijuana Enforcement" as a guide to the exercise of investigative and prosecutorial discretion as they relate to *Cannabis* (marijuana) prosecution that modified and directed the Justice Department's focus to those circumstances where *Cannabis* (marijuana) production, processing, or use are allowed but are either not accompanied by a strong and effective state regulatory system, or where such a regulatory system exists, but is not complied with, and

WHEREAS, the City Council of Long Beach deems it to be in the public interest to establish a zoning moratorium pending local review of the changes in laws regarding both medical and personal use marijuana, and

WHEREAS, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this ordinance

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Moratorium Enacted

Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Long Beach prohibiting the licensing, establishment, maintenance or continuation of any *Cannabis*- (marijuana-) related land use. This includes the growing, processing, sale/delivery or use of marijuana or marijuana-related products.

Section 2. Cannabis- (Marijuana-) Related Land Uses Prohibited

Cannabis- (marijuana-) related land uses as defined in Section 1. herein are hereby designated as prohibited uses and activities under the ordinances of the City of Long Beach. In accordance with the provisions of RCW 35A.82.020, no license, land use permit, or building permit shall be issued to any person or entity for any *Cannabis*- (marijuana-) related land use or activity.

Section 3. Referral to Planning Commission

This ordinance shall be referred to the Long Beach Planning Commission for its review, public hearing, and recommendation for inclusion to the zoning ordinance of the City of Long Beach.

Section 4. Ordinance to be Transmitted to Department of Commerce

Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 5. Public Hearing Set

Pursuant to RCW 36.70A.390, the City Council of Long Beach hereby sets its regularly-scheduled meeting of November 18, 2013, which begins at 7:00 PM at 115 Bolstad West, as the date and time for a public hearing on the continuation of this moratorium. The City Clerk is directed to cause appropriate notice of such hearing to be given.

Section 6. Severability

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Emergency Declared; Effective Date

This ordinance is for the best interest of the City of Long Beach and an emergency is declared to exist, making passage of this ordinance urgent and necessary to the public peace, health, safety and welfare and immediate preservation of the public order of the City of Long Beach, and the same shall take effect immediately upon its passage as provided by law.

Section 8. Adoption Date

ADOPTED on first reading by at least a majority plus one of the whole membership of the City Council of the City of Long Beach, Washington at a regularly scheduled public meeting and executed by its Mayor this 7th day of October, 2011.

APPROVED this 7th day of October, 2013.

Robert Andrew, Mayor

ATTEST:

APPROVED AS TO FORM:

David Glasson, City Clerk

Douglas Goelz, City Attorney

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Meeting Date:

October 7, 2013

AGENDA ITEM INFORMATION

SUBJECT: WS Parks beach gap road maintenance agreement.	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: Attached is an interagency agreement with Washington State Parks and Recreation to have the city maintain the Bolstad and Sid Snyder approaches for calendar years 2014 and 2015. This agreement has been in place for 20 years and has worked well for both parties. The duration and terms of the agreement have stayed the same.

RECOMMENDED ACTION: *Authorize staff to sign the agreement*



INTERAGENCY AGREEMENT
Between
WASHINGTON STATE PARKS AND RECREATION COMMISSION
And
CITY OF LONG BEACH DEPARTMENT OF PUBLIC WORKS
AGREEMENT NO. IA 315-038



This Agreement is made and entered into by and between the Washington State Parks and Recreation Commission, referred to as "PARKS", and the City Council of the City of Long Beach referred to as "CITY," and is issued pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW.

1. PURPOSE

The purpose of this Agreement is to provide maintenance of Ocean Beach (GAP) roads.

2. STATEMENT OF WORK

The CITY shall furnish the necessary personnel, equipment, material, and/or services and otherwise do all things necessary for or incidental to the performance of the work set forth in the scope of work below:

- 1) The gap road maintenance shall be defined as that section of road providing beach access between the November 11, 1889, line or ordinary high tide or westerly from the last point of development or private access, whichever is furthest west and the existing high tide line as is now or may be.
- 2) The CITY shall continue to maintain all Pacific Ocean beach gap roads at the expense of the CITY. The State, subject to the availability of State funds, shall reimburse the CITY for CITY maintenance during the fiscal years of 2013-2014 and 2014-2015, for Pacific Ocean beach gap roads as follows:
 - (1) Bolstad - fifty (50) foot right-of-way
 - (2) 10th Street - seventy-five (75) foot right-of-way
- 3) The CITY shall issue use permits to the State prior to any expenditure of State funds. The use permits shall apply to the gap road areas lying, approximately, between the November 11, 1889 line of ordinary high tide and the U.S. Coast and Geodetic Survey mean high tide line. The use permit is attached and made part of this agreement as Exhibit "A".
- 4) The CITY will maintain the gap roads designated by this Agreement for public access as is needed for each individual gap road. The amount of expected public usage shall be the determinative factor for degree of maintenance for any particular gap road at any particular time during the year. The CITY maintenance policy is to keep the gap roads accessible when there is a high demand for their usage and to not maintain them when there is a low demand.
- 5) Parks shall post the Ocean beach gap roads with the necessary signs, covering such regulations of the State as are now in effect, provided that CITY will put up warning signs if the CITY determines that a gap road approach is dangerous for current use at any given time.

3. PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall commence on July 01, 2013, and be completed on June 30, 2015, unless terminated sooner as provided in this Agreement, or extended through a properly executed amendment.

4. COMPENSATION

Compensation for the work provided in accordance with this Agreement has been established under the terms of chapter 39.34.130 RCW. The parties have estimated that the cost of accomplishing the work herein will not exceed **Twenty Thousand, And No/100ths Dollars (\$20,000.00)**. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount prior to the commencement of any work that will cause the maximum payment to be exceeded. Compensation for services shall be based on the following rates and in accordance with the following terms:

Reimbursement for fiscal year 2013-2014 shall be \$5,000.00 per gap road maintained and or the fiscal year 2014-2015, \$5,000.00 per gap road maintained, for a total biennium expenditure of \$20,000.00.

5. BILLING PROCEDURES

The CITY shall submit invoices no more often than monthly. Payment for approved goods and/or services will be made by warrant or account transfer within 30 days of receipt of the invoice. Upon expiration of the Agreement, invoices shall be paid, if received within 30 days after the expiration date. However, invoices for all work done within a fiscal year must be submitted within 30 days after the end of the fiscal year.

6. BILLING DETAIL

Each invoice voucher submitted to PARKS by the CITY shall include such information as is necessary for the PARKS to determine the exact nature of all expenditures. At a minimum, the CITY shall specify the following:

- 1) Parks Agreement Number IA 315-038
- 2) Gap roads maintained, including cost per gap road.
- 3) The total invoice charge.

7. DUPLICATION OF BILLED COSTS

The CITY shall not bill the PARKS for services performed under this contract, and the PARKS shall not pay the CITY, if the CITY is entitled to payment or has been or will be paid by any other source, including grants, for that service.

8. FUNDING CONTINGENCY

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to completion of the work in this Agreement, the PARKS may:

- 1) Terminate this Agreement with Thirty (30) days advance notice. If this Agreement is terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.
- 2) Renegotiate the terms of the Agreement under those new funding limitations and conditions,
- 3) After a review of project expenditures and deliverable status, extend the end date of this Agreement and postpone deliverables or portions of deliverables, or
- 4) Pursue such other alternative as the parties mutually agree to writing.

9. AMENDMENT

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

10. ASSIGNMENT

The work to be provided under this Agreement, and any claim arising under this Agreement, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

11. ASSURANCES

The parties agree that all activity pursuant to this Agreement shall be in accordance with all applicable federal, state and local laws, rules, and regulations as they currently exist or as amended.

12. CONTRACT MANAGEMENT

The contract manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The Contract Manager for PARKS is:	The Contract Manager for CITY is:
Louise Sexsmith, AA4 <i>(Contract Manager's Name & Title)</i>	Mr. David Glasson <i>(Contract Manager's Name & Title)</i>
Washington State Parks	City of Longbeach Department of Public Works
PO Box 42650 <i>(Contract Manager's Address)</i>	PO Box 310 <i>(Contract Manager's Address)</i>
Olympia WA 98504-2650 <i>(Contract Manager's Address)</i>	Long Beach, Washington 98631-0310 <i>(Contract Manager's Address)</i>
Phone: (360) 725-9772 FAX: (360) 586-4272 E-Mail: louise.sexsmith@parks.wa.gov	Phone: (360) 642-4421 FAX: (360) 642-8841 E-Mail: finance@longbeachwa.gov

13. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto.

The cost of resolution will be borne as allocated by the Dispute Board.

14. GOVERNING LAW AND VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and the venue of any action brought under this Agreement shall be in Superior Court for Thurston County.

15. INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

16. MAINTENANCE OF RECORDS

- a. The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration of agreement. The Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.
- b. If any litigation, claim or audit is started before the expiration of the six (6) year period, the

records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

- c. Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available any confidential information to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties. However, the parties acknowledge that State Agencies are subject to chapter 42.56 RCW, the Public Records Act.

17. ORDER OF PRECEDENCE

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- 1) Applicable state and federal statutes, and local laws, rules and regulations;
- 2) Statement of Work;
- 3) Exhibits and Appendices – list separately; and
- 4) Any other provisions of the agreement, including materials incorporated by reference.

18. RESPONSIBILITIES OF THE PARTIES

Each party to this Agreement hereby assumes responsibility for claims and/or damages to persons and/or property resulting from any act or omissions on the part of itself, its employees, its officers, and its agents. Neither party assumes any responsibility to the other party for the consequences of any claim, act, or omission of any person, agency, firm, or corporation not a part to this Agreement.

19. SEVERABILITY

If any term or condition of this Agreement is held invalid, such invalidity shall not affect the validity of the other terms or conditions of this Agreement.

20. SUBCONTRACTING

- a. "Subcontractor" means one not in the employment of a party to this Agreement, who is performing all or part of those services under this Agreement under a separate contract with a party to this Agreement. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.
- b. Except as otherwise provided in the Agreement, the CITY shall not subcontract any of the contracted services without the prior approval of the PARKS. The CITY is responsible to ensure that all terms, conditions, assurances and certifications set forth in this Agreement are included in any and all Subcontracts. Any failure of CITY or its Subcontractors to perform the obligations of this Agreement shall not discharge CITY from its obligations under this Agreement.

21. TERMINATION FOR CAUSE

If for any cause either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

22. TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement upon 30 calendar days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

23. WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement. Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Agreement unless stated to be such in writing and signed by personnel authorized to bind each of the parties.

24. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**Washington State Parks and
Recreation Commission**

**City of Longbeach
Department of Public Works**

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

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THE AMERICAN LEGION



DON R. GRABLE POST NUMBER 48
POST OFFICE BOX 686
ILWACO, WA 98624

September 25, 2013

Mayor Bob Andrew and Council
City Administrator Gene Miles
City of Long Beach
PO Box 310
Long Beach, WA. 98631

Dear Mayor Andrew,

Don R. Grable Post No. 48 of the American Legion in Ilwaco will have its Twenty-sixth Annual Derald D. Robertson Safety Awards Ceremony on Wednesday, October 23rd, 2013. During this evening, we honor those who protect and serve the citizens of our coastal communities. You and your council, the City Administrator Gene Miles, and guests are cordially invited to attend the Awards Dinner that will be held at the Columbia Pacific Heritage Museum, located at 115 SE Lake Street immediately west of the old Legion Hall in Ilwaco.

Social Hour	6 - 7 P.M.
Dinner	7 P.M.
Awards Ceremony	Following Dinner

For planning purposes, please call or email me by October 18th, indicating the total expected attending headcount.

If you have any questions, please email me at dickwallace7207@yahoo.com or call me at (360) 642-4188. Thank you for your support of the many Legion activities and we look forward to seeing you.

For God and Country,

A handwritten signature in cursive script that reads "Dick Wallace".

Dick Wallace, Commander and Chairman
Law and Order Safety Awards
Don R. Grable Post 48, American Legion
PO Box 686
Ilwaco, WA. 98624

Long Beach Police

P.O. Box 795
Long Beach, WA 98631

lbpdchief@centurytel.net

Phone 360-642-2911
Fax 360-642-5273

10-01-13

Page 1 of 3

To: Mayor Andrew and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for September 2013

During the month of September the Long Beach Police Department handled the following cases and calls:

Long Beach

676 Total Incidents
Aid Call Assists: 4
Alarms: 7
Animal Complaints: 10
Assaults: 10
Assists: 113
(Includes 9 Law Enforcement Agency Assists Outside City Boundaries)
Burglaries: 0
Disturbance: 28
Drug Inv.: 3
Fire Call Assists: 2
Follow Up: 187
Found/Lost Property: 22
Harassment: 9
Malicious Mischief: 11
MIP – Alcohol: 0
MIP – Tobacco: 0
Missing Person: 2
Prowler: 1
Runaway: 0
Security Checks: 48
Suspicious: 31
Thefts: 10
Traffic Accidents: 12
Traffic Complaints: 16
Traffic Tickets: 22
Traffic Warnings: 108
Trespass: 1
Warrant Contacts: 9
Welfare Checks: 10

Ilwaco

322 Total Incidents
Aid Call Assists: 2
Alarms: 4
Animal Complaints: 2
Assaults: 5
Assists: 60
Burglaries: 1
Disturbance: 6
Drug Inv.: 4
Fire Call Assists: 1
Follow Up: 99
Found/Lost Property: 1
Harassment: 8
Malicious Mischief: 2
MIP – Alcohol: 0
MIP – Tobacco: 0
Missing Person: 1
Prowler: 1
Runaway: 2
Security Checks: 38
Suspicious: 17
Thefts: 3
Traffic Accidents: 1
Traffic Complaints: 16
Traffic Tickets: 1
Traffic Warnings: 33
Trespass: 5
Warrant Contacts: 2
Welfare Checks: 7

Rod Run Weekend, September 6th – 8th, went very well. I brought down 24 officers this year and the Sheriff's Office also had a strong presence in Long Beach. Over the course of the weekend we issued only three negligent driving tickets, three open container tickets and one assault citation. We did have a lot of fight calls and disturbance calls, where no citations or arrests were made, but that is to be expected. Over all I am very pleased with how the weekend, both in Ilwaco and Long Beach, went. The crowds in Ilwaco for the Slow Drags were large and well behaved. The crowds in Long Beach were also large and were a little more rowdy but for the most part behaved themselves. We only booked into jail 4 people for the entire weekend and three of those were for warrants and were all locals. Having a strong and large police presence is important and I believe is the key to keeping a lid on things. I appreciate the mayor and council supporting me with those extra officers.

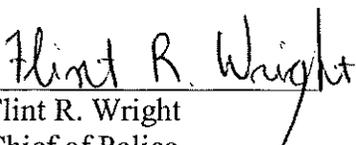
On the 13th I received a letter from Sergeant Leon Kessler with the Castle Rock Police Department. Sergeant Kessler was here for this year's Rod Run Weekend working for us. He assisted Long Beach Officer Steve Ross at an aid call where the victim was suffering from cardiac issues. During the call Officer Ross was forced to do CPR on the victim. Due to Officer Ross' efforts he was able to bring the victim back. Sergeant Kessler was also impressed with how Steve dealt with the family. A copy of the letter is attached.

Ilwaco held its "Triathlon Race" on September 21st. The department was able to provide an officer for most of the race for traffic control.

The department had firearms range training on the 23rd. We did a combat style course using our duty handguns and our patrol rifles.

On September 25th the local Boys and Girls Club sponsored a job fair at Ilwaco High School. Many local businesses manned tables with information about their organizations. Loretta and I manned a table representing the Long Beach Police Department. We handed out pens, magnets and key chains and were able to talk to a number of students about law enforcement.

Officer Casey Meling gave a presentation on September 27th to a group of individuals going through Pacific County Emergency Managements "Community Emergency Response Team" (CERT) training. Casey was trained in "tactical community policing for homeland security" in 2012. He talked to the "CERT" class about what to be on the lookout for in regards to terrorism and how to respond to possible terrorists incidents.


Flint R. Wright
Chief of Police



Castle Rock Police Department

Page 3 of 3

141 A St SW / P.O. Box 475
Castle Rock, WA 98611
Office: (360) 274-4711 Fax: (360) 274-4318

September 8, 2013

Chief Flint Wright
Long Beach Police Department
P.O. Box 795
Long Beach, WA 98631

Dear Chief Wright;

On September 8, 2013 I was assisting Officer Steve Ross as a part of the Rod Run celebration in the Long Beach area.

At one point during our patrol shift, Officer Ross was dispatched to assist on a medical call regarding a victim who was suffering cardiac issues at a local residence.

Upon our arrival at the residence, Officer Ross and I were directed to the victim who was lying on his back on the front porch of the residence. His eyes were wide open, without movement or blinking and his pupils were fixed. Officer Ross and I both checked for a pulse on the victim and were initially able to find a faint carotid pulse.

While the paramedic staff was still enroute to the scene, Officer Ross continued to work with the victim talking to him and attempting get him to regain consciousness, meanwhile continuing to monitor his pulse. At one point, Officer Ross noted that the victim's heart had stopped beating. After confirming the absence of pulse, Officer Ross began CPR. After a number of chest compressions, Officer Ross was able to revive the victim, restoring his pulse and bringing him to partial consciousness. Medical staff subsequently arrived and took over care of the victim, transporting him to the hospital for more advanced care.

Without question, absent the quality of care and rapid response of Officer Ross, the victim's survival in this circumstance would have been doubtful.

It is additionally important to note that Officer Ross also made great efforts to communicate clearly and with compassion with the family members present.

Clearly, Officer Ross is a dedicated professional in every sense of the word and a credit to your agency.

Respectfully submitted;

Leon Kessler
Staff Sergeant, Res.
Castle Rock Police Department

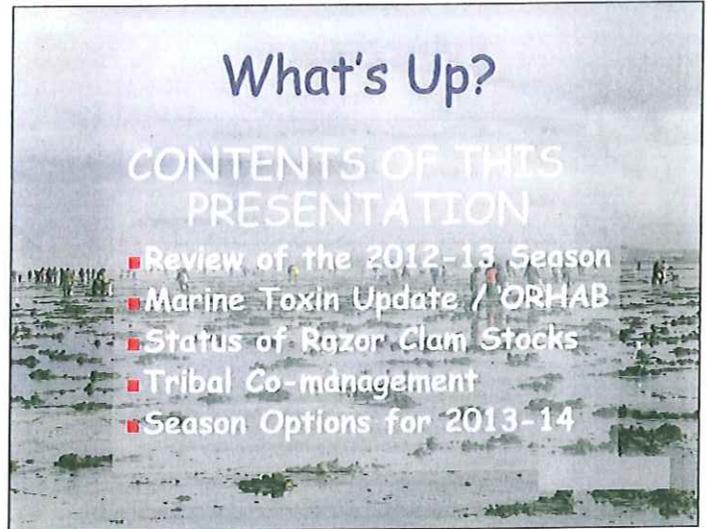
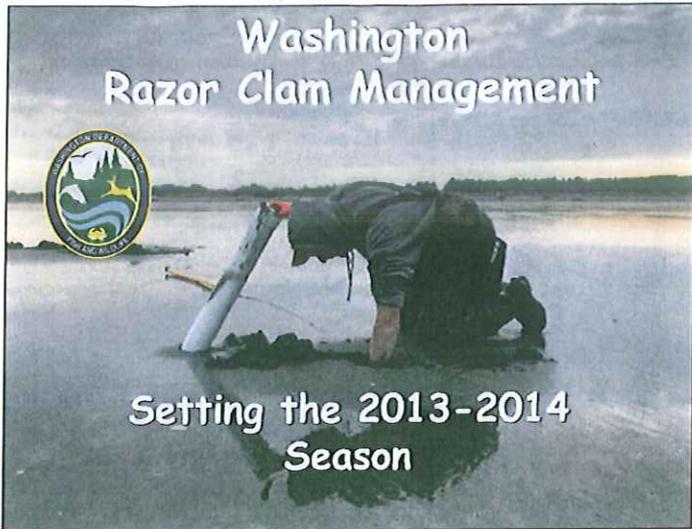
Chief Bob Deane 9/9/13

Steve:
Good job
Chief Wright

10/10/12
10/10/12

	Recreational Harvest			Recreational Harvest		
	LONG BEACH	CLATSOP BEACH (ORE)		LONG BEACH	CLATSOP BEACH (ORE)	
MONTHLY TOTALS	Effort (digger trips)	Harvest (Clams)	CPUE	Effort (digger trips)	Harvest (Clams)	CPUE
OCTOBER 2012	9,965	137,356	13.8	198	2,419	12.2
NOVEMBER 2012	10,074	124,408	12.3	3,680	27,154	7.4
DECEMBER 2012	14,975	187,405	12.5	1,864	19,361	10.4
JANUARY 2013	11,682	141,598	12.1	703	3,490	5.0
FEBRUARY 2013	24,046	325,074	13.5	1,434	14,680	10.2
MARCH 2013	39,200	587,135	15.0	22,135	241,817	10.9
APRIL 2013	49,656	739,267	14.9	22,202	306,289	13.8
MAY 2013	5,641	84,616	15.0	23,743	243,410	10.2
JUNE 2013	0	0		26,191	225,213	8.6
JULY 2013	0	0		6,812	81,421	11.9
SEASON SUBTOTALS:	165,238	2,326,859	14.1	108,962	1,165,254	10.7
WASTAGE		55,539				
RECREATIONAL SEASON TOTALS:	165,238	2,382,398	14.4	108,962	1,165,254	10.7
COMMERCIAL (Clatsop Beach, ORE)					233,752	
GRAND TOTAL		2,382,398			1,399,006	

at least 52 days this year +10 from last yr



WDFW has annually held a series of public meetings to obtain input regarding the season structure, bag limit and management of razor clams.

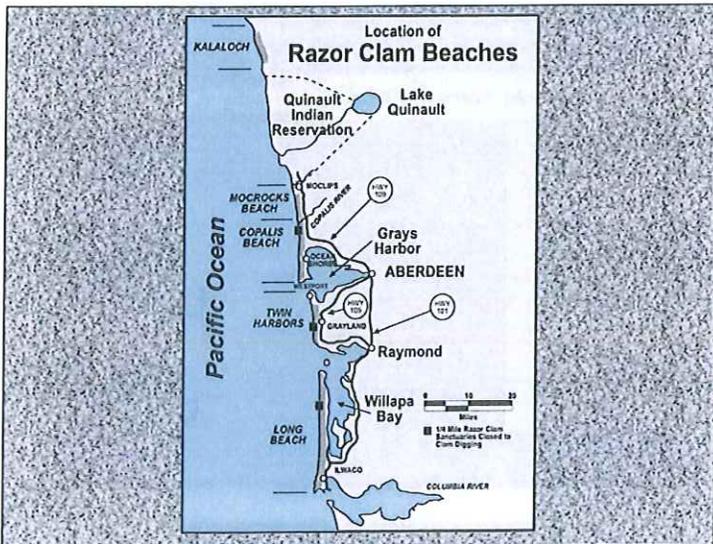
However, over the last couple of years, in consideration of the State's economic situation, and given the budget and staff reductions within WDFW, the agency replaced most public meetings and this cost with internet and email based commenting. So, once again, for the 2013-2014 season most public input is being solicited through the internet and via email. One public meeting has been scheduled for September 19, 2013 at 6 pm, in Long Beach, Washington at the City of Long Beach Depot meeting building located at 102 3rd ST NW (across from Dennis Company in downtown Long Beach.)

The following presentation is designed to provide you with much of the same information – in a similar format that has traditionally been used in the meetings.

Thanks for taking the time to view this presentation. Any specific comments or questions can be directed to : razorclams@dfw.wa.gov

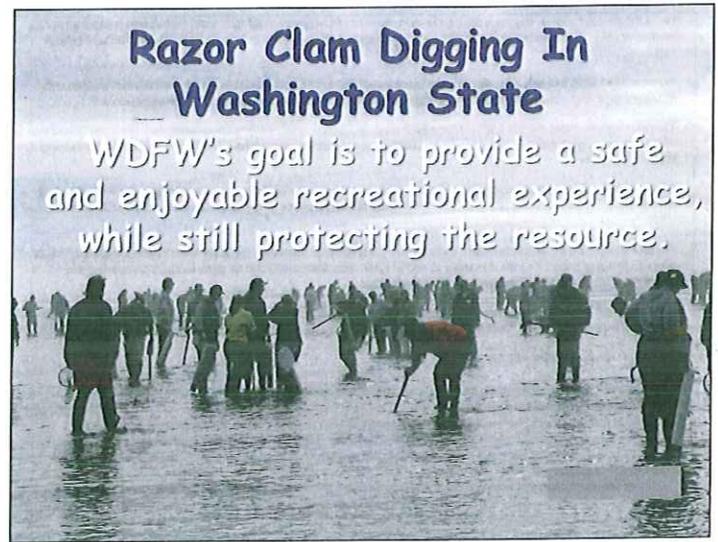
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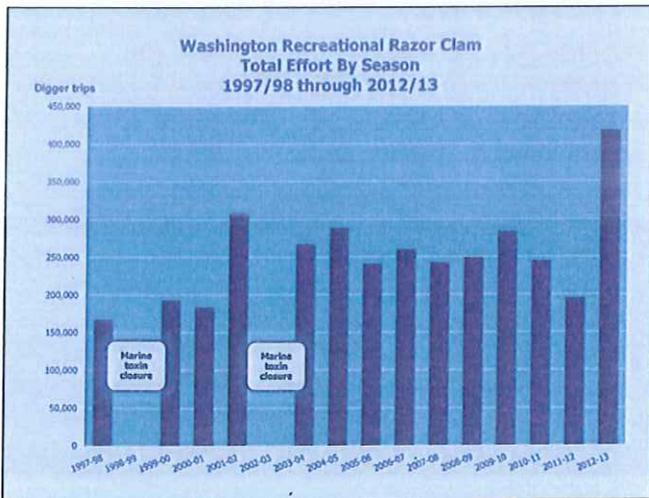
Washington's razor clam habitat is divided into five management beaches. From the south they are: Long Beach (from the Columbia River North Jetty to end of Leadbetter Point); Twin Harbors (from the northern shore of Willapa Bay to the Grays Harbor South Jetty); Copalis (from the Grays Harbor North Jetty to the Copalis River); Moclips (from the Copalis River to the south boundary of the Quinault Indian Reservation – just south of the Moclips River); Kalaloch (from Olympic National Park South Beach Campground to Brown's Point, just south of Olympic National Park Beach Trail # 3). Within these five management beaches there are a total of 58 miles of sandy beaches and prime habitat for the Pacific Razor Clam (*Siliqua patula*).

4



The razor clam fishery in Washington is not only a significant source of revenue for tourism-dependent businesses such as restaurants and motels, but also an important source of community identity and basis for tribal subsistence. Razor clam harvesting, cleaning, cooking, eating, and canning have been an important focus of family relationships and local culture in Washington coastal communities for many generations.

5



The economic impact of this fishery is also significant, especially during the quiet fall, winter and early spring months along the coast...in an average season (based on 2007-08) the diggers that descend on these communities (during monthly razor clam openings) bring with them an estimated season total of \$22 million.

The total effort during the 2012-13 season (417,000 diggers trips) is 72% higher than the 2007-08 season total effort (of 242,000 digger trips). Therefore a reasonable inference can be made that the value of the 2012-13 season was in the neighborhood of 72% higher. This leads to an estimated total economic impact of the 2012-13 season of \$37 million. For more information see: *Dyson, K. and D.D. Huppert. 2010. Regional economic impacts of razor clam beach closures due to harmful algal blooms (HABS) on the Pacific coast of Washington. Harmful Algae 9: 264-271.*

the 2012-13 season the total harvest on Long Beach exceeded the TAC by 28.9%.

Month	Long Beach
October 2012	5 Days Sat, Sun, Mon + Sat, Sun
November 2012	5 Days Thu, Fri, Sat + Thu, Fri
December 2012	7 Days Sat + Fri, Sat, Sun + Sat, Sun, Mon
January 2013	6 Days Thu, Fri, Sat + Fri, Sat, Sun
February 2013	5 Days Fri, Sat, Sun + Fri, Sat
March 2013	5 Days Fri, Sat, Sun + Fri, Sat
April 2013	7 Days Fri, Sat, Sun + Fri, Sat, Sun, Mon
May 2013	2 Days Fri, Sat
Totals:	42 Days
	Effort = 165,238 digger trips
	Harvest = 2,382,398 clams
	(Including wastage of 55,539 clams)
	Portion of TAC Harvested = 128.9%

Late in the season while reviewing state harvest totals on Copalis and Moclips, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total – on all beaches. Because this error was found so late in

Month	Twin Harbors
October 2012	10 Days Sat-Thu + Sat-Tue
November 2012	10 Days Tue-Sat + Mon-Fri
December 2012	11 Days Sat + Tue-Sun + Fri-Mon
January 2013	10 Days Tue-Mon + Fri-Sun
February 2013	8 Days Thu-Tue + Sat, Sun
March 2013	9 Days Tue-Mon + Thu-Sun
April 2013	13 Days Tue-Sun + Wed-Tue
May 2013	10 Days Wed-Tue + Fri-Sun
Totals:	81 Days
	Effort = 106,278 digger trips
	Harvest = 1,537,299 clams
	(Including wastage of 41,491 clams)
	Portion of TAC Harvested = 81.7%

Twin Harbors enjoyed more days of digging than any other beach has had for over 20 years...81 days! Still, the entire TAC was not harvested...the total harvest was 81.7% of the 2012-13 TAC.

Month		Copalis
October 2012	4 Days	Sat, Sun + Sat, Sun
November 2012	3 Days	Fri, Sat + Fri
December 2012	5 Days	Sat + Fri, Sat + Sun, Mon
January 2013	4 Days	Thu, Fri, Sat + Sat
February 2013	2 Days	Fri, Sat
March 2013	4 Days	Sat, Sun + Fri, Sat
April 2013	6 Days	Fri, Sat, Sun + Fri, Sat, Sun
May 2013	0 Days	
Totals:		28 Days
		Effort = 95,700 digger trips
		Harvest = 1,393,980 clams
		(Including wastage of 29,174 clams)
		Portion of TAC Harvested = 130.0%

Month		Mocrocks
October 2012	4 Days	Sat, Sun + Sat, Sun
November 2012	3 Days	Fri, Sat + Fri
December 2012	6 Days	Sat + Fri, Sat, Sun + Sun, Mon
January 2013	4 Days	Thu, Fri, Sat + Sat
February 2013	2 Days	Fri, Sat
March 2013	4 Days	Sat, Sun + Fri, Sat
April 2013	7 Days	Fri, Sat, Sun + Fri, Sat, Sun, Mon
May 2013	0 Days	
Totals:		30 Days
		Effort = 51,783 digger trips
		Harvest = 765,637 clams
		(Including wastage of 10,874 clams)
		Portion of TAC Harvested = 84.2%

Late in the season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total – on all beaches. Because this error was found so late in the 2012-13 season the total harvest on Copalis exceeded the TAC by 30.0% and no May digging could be offered at Copalis. In addition, the state closed Mocrocks short of attaining the state's TAC share and transferred those clams to the QIN share to help account for the overharvest of the state's share at Copalis.

As many are aware, the Copalis razor clam management beach is one of three beaches WDFW co-manages with tribal governments. The Quinault Indian Nation (QIN) has federally adjudicated fishing rights on this beach and we share the total allowable catch (TAC) 50/50 with the QIN. More details on state/tribal co-management of razor clams in Washington are found later in this presentation.

Late in the season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total – on all beaches. Because this error was found so late in the 2012-13 season the total harvest on Copalis exceeded the TAC by 29.9% and no May digging could be offered at Copalis. In addition, the state closed Mocrocks short of the state's TAC share and transferred those clams to the QIN share to help account for the overharvest of the state's share at Copalis.

Mocrocks razor clam management beach is also one of three beaches WDFW co-manages with tribal governments. The Quinault Indian Nation (QIN) has federally adjudicated fishing rights on this beach and we share the total allowable catch (TAC) 50/50 with the QIN. More details on state/tribal co-management of razor clams in Washington are found later in this presentation.

KALALOCH

As occurred during the 2011-12 season, WDFW and Olympic National park jointly made a decision to forgo recreational harvest at Kalaloch during the 2012-13 season. The plan was to provide the population on this beach a chance to recover from the decline it has experienced since 2009.

The Quinault Indian Nation (QIN) and the Hoh Tribe both have federally adjudicated fishing rights on this beach and we share the total allowable catch (TAC) 50/50 and these two tribes. More details on state/tribal co-management of razor clams in Washington are found later in this presentation. In addition, because Kalaloch falls within the boundaries of the Olympic National Park - WDFW works very closely with staff at Olympic National Park in the joint management of the Kalaloch razor clam recreational fishery.



Now, onto a topic that can really play havoc with shellfish harvesting – as experienced razor clammers know all too well.

Naturally occurring Harmful Algal Blooms (HAB) produce toxins that are ingested by razor clams and then concentrate in their meat tissue.

The razor clam fishery has been closed three times for a full season and many times for shorter periods – due to levels of two marine toxins in razor clam tissue that have exceeded state and federal action levels. In fact, coast-wide a total of 24.6% of all potential harvest days have been cancelled due to marine toxins produced by HAB events.

Domoic Acid

Amnesic Shellfish Poisoning (ASP)

- Produced by a diatom (*Pseudo-nitzschia sp.*)
- Domoic acid - neurotoxin
- Nausea, dizziness, memory loss
- Stroke-like symptoms that can lead to death
- No antidote
- Not destroyed by cooking/freezing
- Not easily detected

The marine toxin domoic acid has been the most prevalent toxin affecting razor clams harvest along the Washington coast. It is produced by a naturally occurring member of the marine plankton community - a diatom - named *Pseudo-nitzschia*. Recent research has led to better understanding of where these diatoms originate and what oceanographic and weather conditions must be present to allow them to move closer to shore and affect razor clam populations. Since 1992 when domoic acid was first found in razor clam meat tissue a total of 22% of planned razor clam digging opportunities have been lost due to high marine toxin levels, with the vast majority due to domoic acid.

This slide details the dangers domoic acid - in high levels - presents. More details can be found on the WDFW web site at :

http://wdfw.wa.gov/conservation/research/projects/algal_bloom/index.html

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PSP Toxin

Paralytic Shellfish Poisoning (PSP)

- Produced by a dinoflagellate (*Alexandrium sp.*)
- Saxitoxin- neurotoxin
- Numbness, finger tingling/toes, lips
- Can paralyze the diaphragm and lead to death
- No antidote
- Not destroyed by cooking/freezing
- Not easily detected

The toxin that causes paralytic shellfish poisoning (PSP) is produced by another naturally occurring member of the marine plankton community. This species is the dinoflagellate named *Alexandrium*. PSP has historically been less of a problem for the razor clam fishery. However, in past seasons there have been razor clam closures due to PSP.

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WDFW is required to collect samples per strict WDOH protocol:

To open or remain open, ALL samples must test below
The action level...

- Samples from 3 areas per beach.
- 12 adult clams per sample.
- 2 collections 7-10 days apart (often means digging on poorer tides).
- Last collection as close to opening as possible.
- In-season collections also 7-10 days apart.



As a result of concern for the health of the many people who enjoy razor clams, WDFW works closely with staff at the Washington Department of Health (WDOH) to collect and transport to the WDOH lab (north of Seattle in Shoreline) for processing. These clams are collected on a strict schedule that allows for the final sample to be collected as close to the day of each period razor clamming is open. This is the reason our openers are always announced as 'tentative, until final marine toxin results are available.'

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Current Marine Toxin Levels

Throughout the 2012-13 razor clam season the regular tests of razor clam tissue found that levels of the toxins that produce PSP and domoic acid were both at very low levels. As of this writing (Sept. 1, 2013) levels of both toxins continue to remain low.

However, experience tells us that this can change rapidly and levels of these toxins can accumulate in razor clams fairly quickly.

Together with the Washington Department of Health we will continue to collect and test razor clam samples just prior to every opener to insure the clams you are harvesting and consuming are safe.

The most recent levels can be found at:

http://wdfw.wa.gov/fishing/shellfish/razorclams/domoic_levels.html

For more information, see:

<http://www.doh.wa.gov/CommunityandEnvironment/Shellfish.aspx>

20

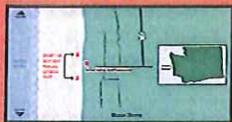
Bacterial Pollution Around Oyhut

POLLUTION WARNING

DO NOT EAT
Razor clams from
area between signs



190 yards north and south of
Oyhut Beach Approach Road



Always check the shellfish safety hotline:
1-800-562-5632 or
www.doh.wa.gov/shellfishSafety.htm

Marine water quality at the end of the Oyhut Beach Approach off of Damon Road (on the Copalis Razor Clam Management Beach – just north of Ocean Shores) does not meet the Washington State Department of Health's (WDOH) standard for safe shellfish harvesting. WDOH has posted an area of beach that starts 190 yards north of the Out beach road and ends 190 yards south of this road - with signs warning diggers to avoid harvesting clams from this section of beach.

The source of the bacterial contamination in this area has not been found. Grays Harbor County is working with the WDOH to investigate and testing continues. It is hoped this harvest warning will be temporary.

*Stream obs -
Cheryl
Damon*

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The source of the bacterial contamination in this area has not been found. Grays Harbor County is working with the WDOH to investigate and testing continues. It is hoped this harvest warning will be temporary.

Concerns over Radiation Levels

In 2011, a devastating earthquake and tsunami damaged a nuclear power plant in Fukushima, Japan. Recently, national and international news have reported tanks leaking contaminated water into the ocean, closing fishing areas in Japanese waters. The Washington Department of Health has the lead in monitoring for any impacts on Washington State. To date, all the fish or shellfish (including species like tuna that have a trans-Pacific migratory pattern) tested have revealed no radiation based public health risk.

Prior to the start of the 2012-13 season, WDFW will collect additional razor clam samples specifically for WDOH testing of radiation levels. The results will be closely evaluated before the approval of any recreational digging season.

More details can be found at
<http://www.doh.wa.gov/EmergencyPreparednessResponseFukushimaUpdate.aspx>

More details can be found at:
<http://www.wa.gov/EmergencyPreparednessResponseFukushimaUpdate.aspx>

Tsunami debris reaching Washington's coastline

Debris has begun reaching Washington's ocean beaches from the tsunami that accompanied the devastating earthquake in Japan in March 2011. State and local agencies are working together to respond to the problems and risks associated with marine debris from the tsunami, and there are several ways the public can help.

More details can be found at : <http://wdfw.wa.gov/tsunami/>



FOR IMMEDIATE RELEASE – April 25, 2012
12-06-MJNR

Media contact:
Washington State Marine Debris Task Force Information Office, 1-877-425-9964

Real focus is with the fish in the context of the Japan tsunami debris

LONG BEACH – State and federal agencies learned today that the 20-foot boat that washed ashore near Long Beach on March 22, 2011, with an oral receipt a fish inside – came from Japan after it was swept out to sea by the tsunami on March 11, 2011.

The state Military Department's Emergency Management Division (EMD) and National Atmospheric and Oceanic Administration (NOAA) received endorsement from the Council on Governmental Affairs.

The maritime aid EMD and NOAA officials the original rescue don't wish to have the fish show more attention.

Washington State Parks now has possession of the boat and is working with the Columbia River Maritime Museum in Astoria to place the fish show more permanent home there.

Besides the fish and boat, EMD is the open a list of the boat when it washed ashore, the Washington Department of Fish and Wildlife will issue 32 to 33 species of plants and animals were also on the fish show more – including potential invasive species.

State officials quickly removed the fish show more from the beach and collected samples of potential invasive species including the fish, algae, seaweed, earth, insects, worms and mollusks.

These specimens are of great scientific value as scientists attempt to understand how they could have washed ashore and whether they pose a threat to Washington and the West Coast.

<http://www.nwfsc.noaa.gov/orhab/>

Search
Site map
Contact us

Olympic Region Harmful Algal Blooms ORHAB PARTNERSHIP

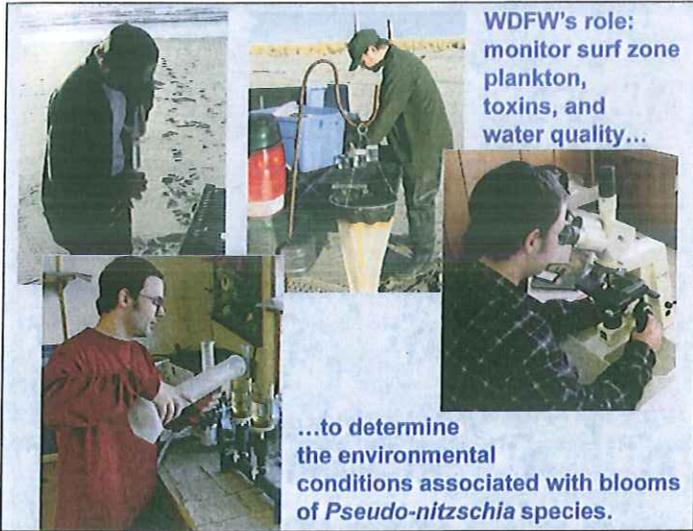
The ORHAB project is bringing knowledge to the local communities on the Olympic peninsula of the Washington State coast, empowering the tribes and state managers to make scientifically-based decisions about managing and mitigating harmful algal bloom (HAB) impacts on coastal fishery resources.

The ORHAB Partnership was formed in June 1999 by local residents and coastal communities in response to seemingly random closures of the shellfisheries due to outbreaks of marine biotoxins (Paralytic Shellfish Poison, PSP) and domoic acid contamination of razor clams. It became clear that in order to manage these disruptive HAB events, there was a need to better understand underlying dynamics of these disruptive HAB events. These research efforts, made possible by federal funding from NOAA, have been underway since the summer of 2000.

To find out more about ORHAB and HABs, please visit the navigation bar on the left.

In regards to monitoring and studying harmful algal blooms (HAB) and the resulting toxins, WDFW and WDOH do not operate alone. We are part of a larger partnership of agencies, tribes and universities all interested and involved in HAB monitoring and research.

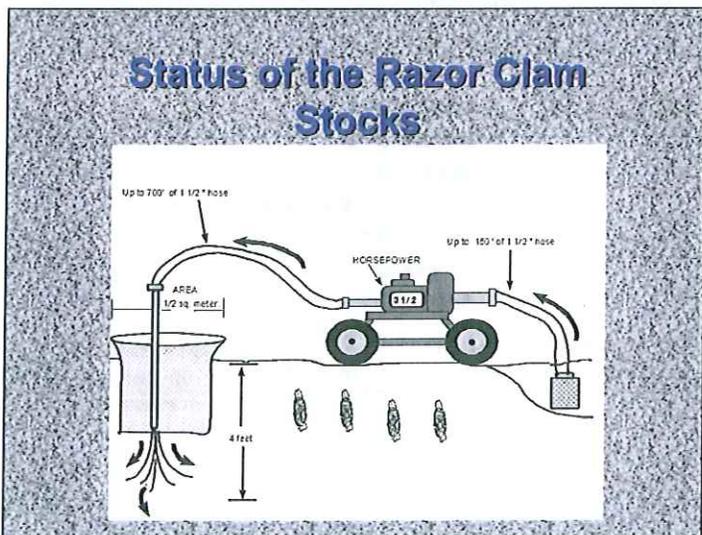
For more information see :
http://wdfw.wa.gov/conservation/research/projects/algal_bloom/index.html



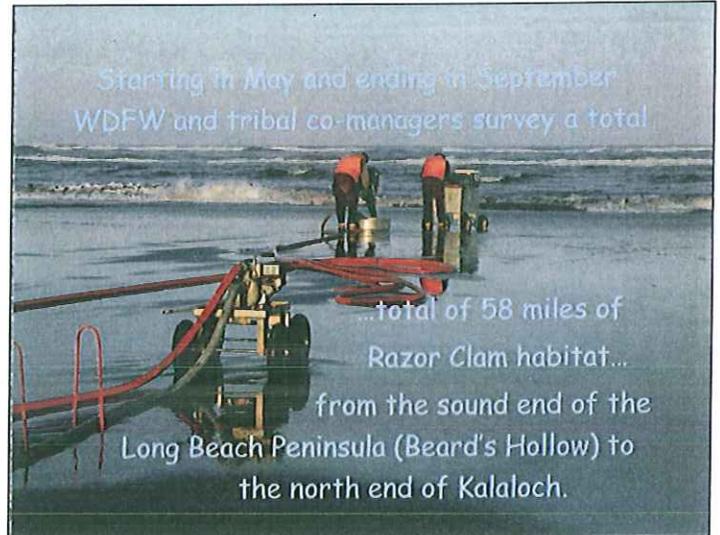
To conduct WDFW's work with monitoring for HABS a staff member has received training by University and federal experts. He makes regular collections of plankton samples from the surf zone and then analyzes them to determine the presence of toxic cells. The data received from this monitoring program can provide us advance notice of pending problems and give us time to adjust openers and give razor clammers a heads up of what may be coming.



One major goal of the ORHAB project has been to develop and implement rapid detection technologies. This technology offers the promise of allowing field staff to determine the presence of toxins in shellfish tissue without having to wait for the current time-consuming transport of samples to a distant laboratory.



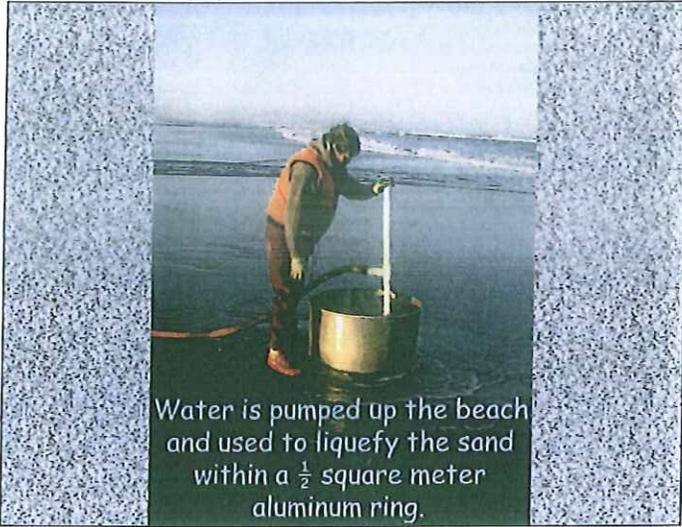
We can now turn our attention to the work WDFW does to annually determine the number of razor clams available on each beach.



This year's work started on May 12th and for the most part was completed by late August.

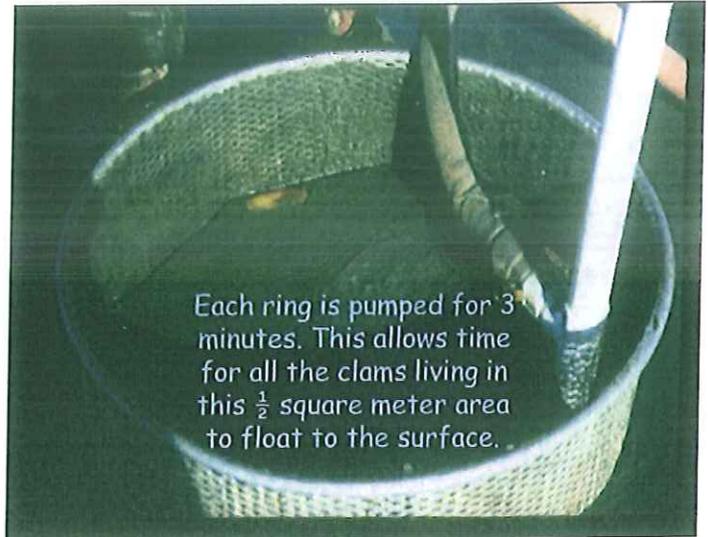
The survey method WDFW has been using since 1997 is the Pumped Area Method...

Surveying razor clams is not as easy as just digging all the clams in a known area. Razor clam digging requires the clam to 'show' and not all clams 'show' at the same time. As a result, it is not possible to dig every clam in a known area.



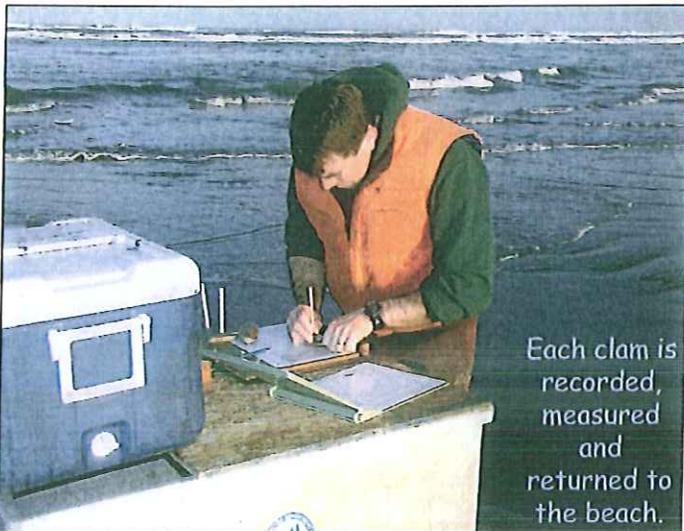
Water is pumped up the beach and used to liquefy the sand within a $\frac{1}{2}$ square meter aluminum ring.

The Pumped Area Method uses water (pumped from the surf or a nearby lagoon) to liquefy the sand within an aluminum ring that is exactly $\frac{1}{2}$ square meter in area. Every clam that is within the area of the ring will float to the surface and can be counted as part of the random sample. The clams sampled range in size from full grown adults (6 inches plus) down to juvenile clams that are as small as 5 mm and have only recently settled into the sand from the larval stage. This provides us a way to make estimates for both the recruit sized clams (≥ 76 mm) and the pre-recruits clams (< 76 mm). Any previous stock assessment method did not provide a bases for estimating pre-recruits.



Each ring is pumped for 3 minutes. This allows time for all the clams living in this $\frac{1}{2}$ square meter area to float to the surface.

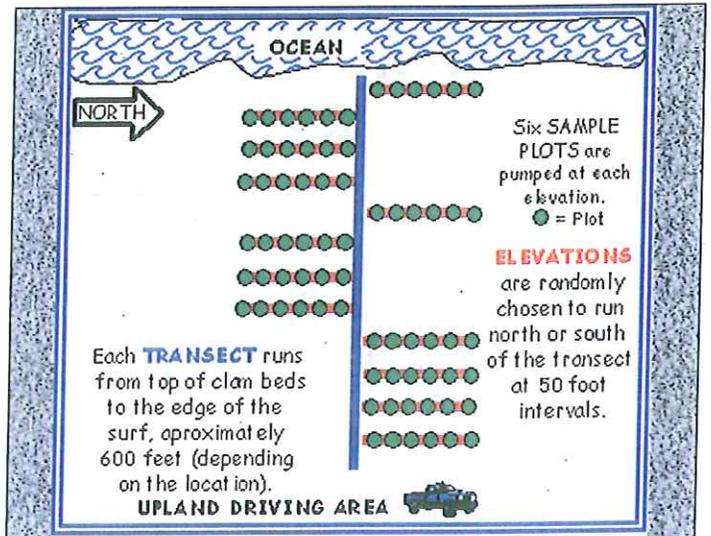
Each ring is pumped for 3 minutes allowing time for all the clams in the area of the ring to float to the surface and be pumped.



Each clam is recorded, measured and returned to the beach.

Each clam is measured and recorded and returned to the beach.

The Pumped Area Method allows biologists to obtain the full data set needed to estimate both recruit clams and pre-recruit clams. This is in contrast with previous razor clam population sampling methods that were unable to estimate pre-recruits.



Each of the five management beaches is sampled with randomly selected transects chosen approximately 1 mile apart. The sampling occurs during good low tide and begins at the top of the razor clam beds and moves out to the edge of the surf. Six plots (sample rings) are pumped at 50 foot intervals.



2013 Stock Assessment - Results

Many of you will recall that our 2012 stock assessment showed that razor clam populations on all beaches, except at Kalaloch, had strong increases in the number of harvestable size clams.

The 2013 assessment shows us that populations are at even higher levels than we saw in 2012. There has even been some improvement at Kalaloch, although razor clam populations on this beach remain weak.

How many days can we dig?

Stock assessment data :

1. Estimate of the number clams
2. Estimate of the average size

TAC (total allowable catch) =
Total clams 3 inches or greater x
fixed harvest rate of 30%.

The main purpose for the collection of accurate stock assessment data is to allow for a good estimate of the number of clams that can be safely harvested in the coming year – without harming the overall population.

The stock assessment data provides us with estimates of the total number of clams and their average size. We are then able to determine the total number of clams that are at or over 3 inches (this size at which razor clams generally begin to make a clear “show” and are harvestable). The total allowable catch (TAC) for each beach is then calculated using a fixed harvest rate of 30% of the total number of clams at or over 3 inches.

Know that razor clams that are 3 inches during our summer stock assessment will quickly grow and become a more suitable size as the season progresses.

How many days can we dig?

Stock assessment data :

1. Estimate of the number clams
2. Estimate of the average size

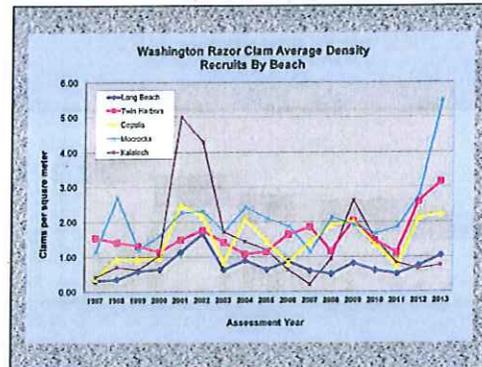
TAC (total allowable catch) =
Total clams 3 inches or greater x
variable harvest rate.

During the 2012-13 season, WDFW began using a new “variable” harvest rate on two beaches (rather than using a fixed harvest rate of 30%.)

On these beaches we determine the harvest rate based on the ratio of the **current population** of razor clams (as measured by our most recent stock assessment on each beach) and the **highest population level** measured (again on each beach). The maximum harvest rate possible (using the variable harvest rate method) is 40%.

This method allows for more harvest during times of abundant populations while still preserving the spawning capacity of the population. It also includes an automatic rebuilding strategy (with a reduced harvest rate) during times when stocks are weak.

- During the 2012-13 season the TAC at Twin Harbors was determined using a variable harvest rate of 40%. That will again be the case for 2013-14 season
- During the 2012-13 season the TAC at Long Beach was determined using a variable harvest rate of 34.5%. For 2013-14 season, the TAC has been determined using a variable harvest rate of 39%.



The best way to compare razor clam populations between beaches is to look at the average density (on the razor clam beds over the entire length of each beach) as measured in our annual stock assessment work. This graph displays average density on each beach back to 1997. (Because of the change in the way razor clam populations are assessed, it is difficult to compare populations earlier than 1997.) It is clear from this data that razor clam populations naturally move up and down a fair amount. This is not an unexpected pattern in a shellfish population that is so heavily dependent on favorable oceanographic and weather conditions to allow for successful spawning and setting. As with any natural population, there are also disease processes that contribute to the variability in population levels. It is also easy to see that during this 17 year period, Mocrocks has the most dense populations, with Kalaloch, Copalis and Twin Harbors and Long Beach all showing improvement in overall densities. This pattern compares very favorably to the long term history of Washington razor clam populations. The next several slides will show the specific data from each beach as measured in total number of clams. However, keep this chart comparing average density over all beaches in mind as you review the beach specific data.

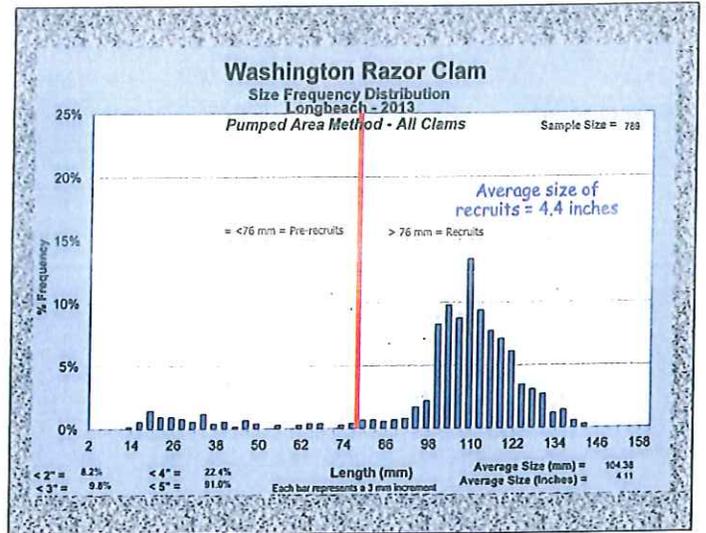
The 2013 the average density (clams per square meter) by beach is : Long Beach = 1.03; Twin Harbors = 3.15; Copalis = 2.22; Mocrocks = 5.47; Kalaloch = 0.76.

For comparison:

The 2012 the average density (clams per square meter) by beach is : Long Beach = 0.75; Twin Harbors = 2.58; Copalis = 2.12; Mocrocks = 2.78; Kalaloch = 0.66.

LONG BEACH RAZOR CLAM POPULATION, TOTAL ALLOWABLE CATCH (TAC) AND HARVEST DATA

YEAR	POPULATION (clams)		TAC (clams) of recruits	HARVEST TOTAL (clams)	% of TAC harvested
	RECRUITS	PRE-RECRUITS			
2009-10	5,611,837	3,582,973	1,683,551	1,774,864	105.4%
2010-11	4,254,159	13,652,653	1,276,248	1,459,610	114.4%
2011-12	3,648,805	2,781,402	1,094,642	1,425,685	130.2%
2012-13	5,356,383	14,450,287	1,606,915	2,382,398	128.9%
2013-14	7,387,752	814,599	2,881,223		
AVERAGE	5,251,787	7,056,423		1,760,639	



There has been a 37% increase in the Long beach population of recruit sized razor clams at Long Beach. While this is not the largest population of razor clams we've recorded at Long Beach, it is very close. As a result, we have used a variable harvest rate (discussed in slide #34) of 39% at Long Beach to determine the TAC for the 2013-14 season.

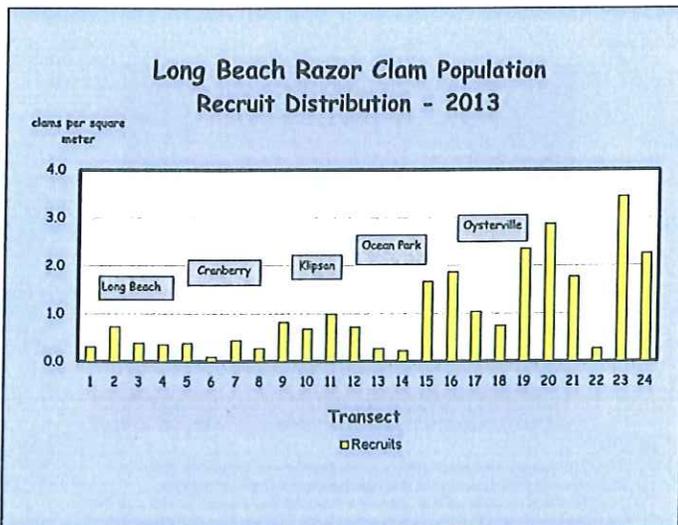
The average size of the Long Beach recruit clams found in our summer surveys was 4.4 inches which is larger than the 2012 average of 3.99 inches and larger than the 2011 average of 4.1 inches.

The number of pre-recruit clams is lower than the average. However, it appears that the most successful setting of juvenile razor clams occurred this summer after we had finished most of our stock assessment work.

As we discussed in slide number 11, late in the 2012-13 season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total - on all beaches. This table shows corrected Long Beach harvest levels back to the 2009-10 season.

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As is typically the case at Long Beach, the better digging is on the north end of the beach.

As you read further in this presentation, be sure to note the y-axis in the similar graphs displaying recruit distribution on each of the other beaches. For example, the highest density transect at Long Beach (#23) matches one of the lowest density transect at Mocrocks.

The 2013 the average density (clams per square meter) by beach is : Long Beach = 1.03; Twin Harbors = 3.15; Copalis = 2.22; Mocrocks = 5.47; Kalaloch = 0.76.

For comparison:

The 2012 the average density (clams per square meter) by beach is : Long Beach = 0.75; Twin Harbors = 2.58; Copalis = 2.12; Mocrocks = 2.78; Kalaloch = 0.66.

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TWIN HARBORS RAZOR CLAM POPULATION, TOTAL ALLOWABLE CATCH (TAC) AND HARVEST DATA

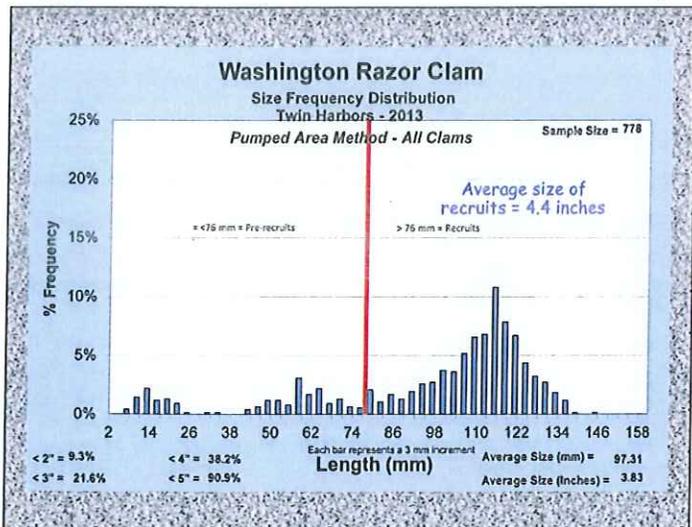
YEAR	POPULATION (clams)		TAC (clams) of recruits	HARVEST (clams) TOTAL	% of TAC harvested
	RECRUITS	PRE-RECRUITS			
2009-10	3,925,788	2,500,305	1,177,736	1,024,023	86.9%
2010-11	2,818,092	2,859,722	845,428	1,042,366	123.3%
2011-12	2,054,381	5,571,684	616,314	753,793	122.3%
2012-13	4,704,458	8,757,897	1,411,337	1,537,299	81.7%
2013-14	5,744,411	1,398,700	2,297,764		
AVERAGE	3,849,426	4,217,661		1,089,370	

On Twin Harbors the 2013 stock assessment measures the highest population of razor clams we've seen back to 1997. (Because of the change in the way razor clam populations are assessed, it is difficult to compare populations earlier than 1997.) It is also 18% higher than the 2012 population, which was the previous high.

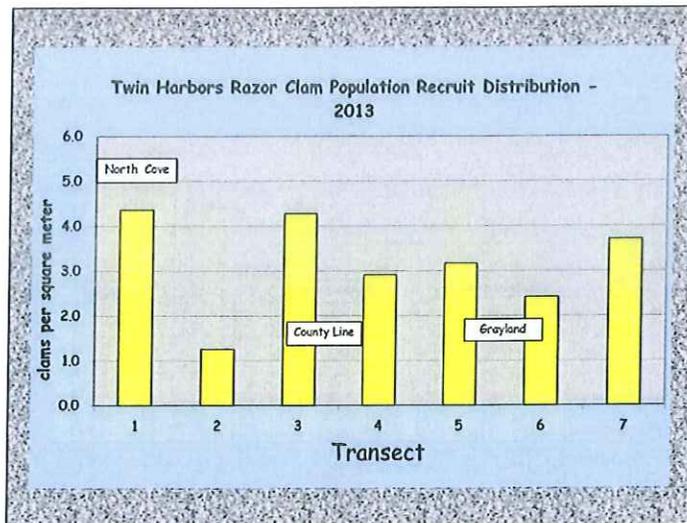
As a result, we have used a variable harvest rate (discussed in slide #34) of 40% at Twin Harbors to determine the TAC for the 2013-14 season.

As we discussed in slide number 11, late in the 2012-13 season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total - on all beaches. This table shows corrected Twin Harbors harvest levels back to the 2009-10 season.

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The average size of the Twin Harbors recruit clams found in our summer 2013 surveys was 4.4 inches which is larger than the 2012 average of 3.9 inches.



The 2013 assessment found a significant improvement in the densities of clams at most all locations along the Twin Harbors beach.

We expect there may be periods during the coming season when Twin Harbors is open when other beaches are not. It will be important for diggers to know which beach they are planning to harvest on and to pay attention to signs posted on beach approaches that would indicate a specific beach is closed to harvest.

The 2013 the average density (clams per square meter) by beach is : Long Beach = 1.03; Twin Harbors = 3.15; Copalis = 2.22; Mocrocks = 5.47; Kalaloch = 0.76. For comparison:

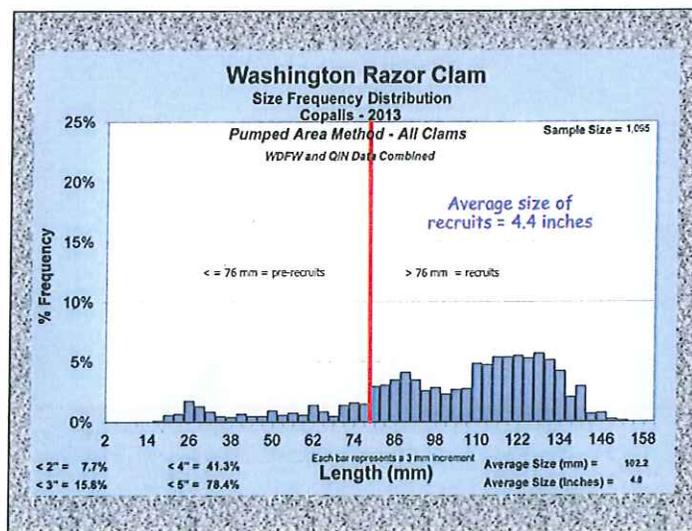
The 2012 the average density (clams per square meter) by beach is : Long Beach = 0.75; Twin Harbors = 2.58; Copalis = 2.12; Mocrocks = 2.78; Kalaloch = 0.66.

COPALIS RAZOR CLAM POPULATION, TOTAL ALLOWABLE CATCH (TAC) AND HARVEST DATA

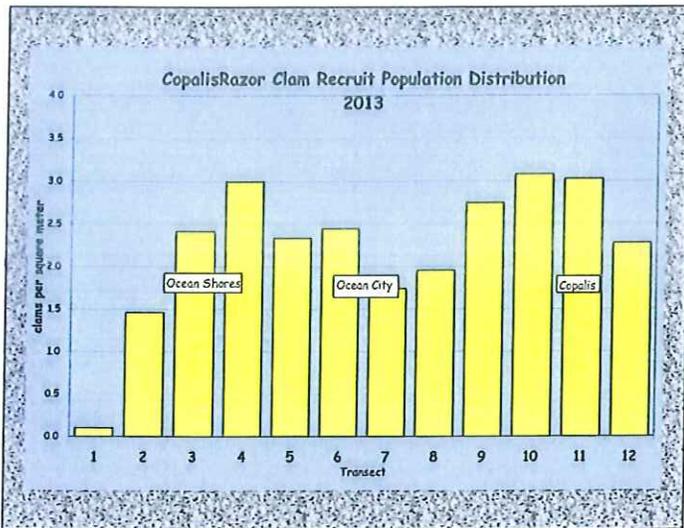
PRE-YEAR	POPULATION (clams) RECRUITS	POPULATION (clams) RECRUITS	TAC (clams) Harvest rate @ 30% of recruits	State's Share (50% w/ adjustments)	State's HARVEST (clams) TOTAL	% of share harvested
2009-10	6,810,540	608,425	2,043,162	1,021,581	1,356,700	132.8%
2010-11	4,554,449	6,791,312	1,366,335	683,167	965,264	141.3%
2011-12	2,475,820	7,344,699	742,746	371,373	466,196	125.5%
2012-13	7,151,264	9,898,813	2,145,379	1,072,690	1,393,980	130.0%
2013-14	7,472,919	1,394,801	2,241,876	1,120,938		
AVERAGE	5,692,998	6,462,269			1,045,535	

The 2013 Razor clam populations at Copalis are also showing a very nice increase in recruit sized razor clams.

As we discussed in slide number 13, late in the 2012-13 season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total – on all beaches. This table shows corrected Copalis harvest levels back to the 2009-10 season.



The average size of the Copalis recruit clams found in our summer surveys was 4.4 inches which is larger than the 2011 average of 4.0 inches.



The southern boundary for our stock assessment at Copalis is 0.2 miles south of the Tarus Beach Approach. Beyond that razor clam populations are sparse.

Except for the traditionally lower densities of razor clams on the southern extreme of razor clam population on Copalis - the clams are fairly evenly distributed and show a strong increase in most all areas.

The 2013 the average density (clams per square meter) by beach is : Long Beach = 1.63; Twin Harbors = 3.15; Copalis = 2.22; Mocrocks = 5.47; Kalsloch = 0.78.

For comparison:

The 2012 the average density (clams per square meter) by beach is : Long Beach = 0.15; Twin Harbors = 2.55; Copalis = 2.12; Mocrocks = 2.78; Kalsloch = 0.66.

MOCROCKS RAZOR CLAM POPULATION, TOTAL ALLOWABLE CATCH (TAC) AND HARVEST DATA

YEAR	POPULATION (clams) RECRUITS	PRE-RECRUITS	TAC (clams) Harvest rate @ 30% of recruits	State's Share (50% w/ adjustments)	State's HARVEST (clams) TOTAL	% of share harvested
2009-10	4,197,541	1,414,149	1,259,262	629,631	603,869	95.9%
2010-11	3,637,245	18,064,334	1,091,174	545,587	682,784	125.1%
2011-12	4,038,871	8,211,211	1,211,661	605,831	758,431	125.2%
2012-13	6,064,416	10,276,881	1,819,335	909,667	765,637	84.2%
2013-14	11,935,249	6,663,172	3,580,575	1,790,287		
AVERAGE	5,974,671	8,925,949			702,680	

In 2012 we reported that Mocrocks population was the strongest in the last 17 years. (Because of the change in the way razor clam populations are assessed, it is difficult to compare populations earlier than 1997.)

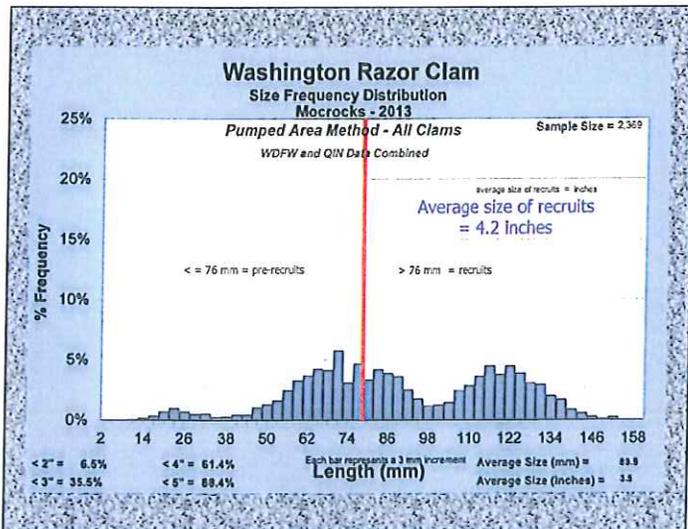
As you can see the 2013 assessment is nearly double the 2012 estimate. Mocrocks remains "Razor Clam Central", with the strongest population densities - as has historically been the case.

We expect there may be periods during the coming season when Mocrocks is open when other beaches are not. It will be important for diggers to know which beach they are planning to harvest on and to pay attention to signs posted on beach approaches that would indicate a specific beach is closed to harvest.

As we discussed in slide number 14, late in the 2012-13 season while reviewing state harvest totals on Copalis and Mocrocks, a biometrician discovered an error in the calculations used by the state to estimate the daily recreational harvest. Biologists determined this error had gone undetected for a number of years and resulted in the reporting of harvest totals that in general underestimate the true total - on all beaches. This table shows corrected Mocrocks harvest levels back to the 2009-10 season.

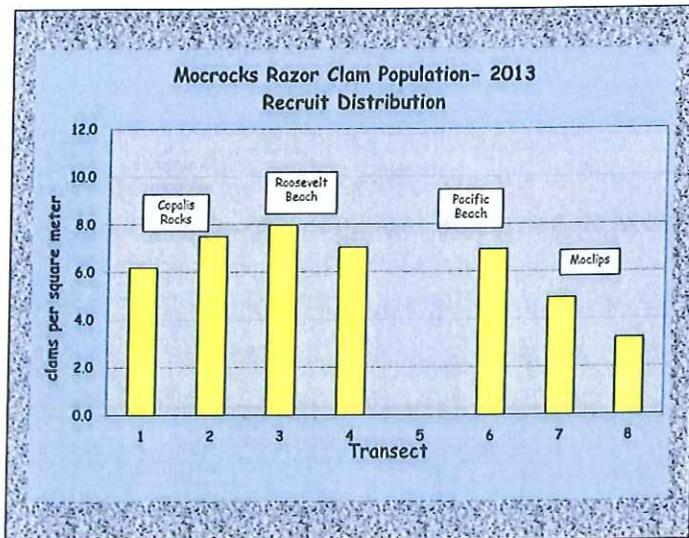
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Consistent recruitment (successful spawning) of razor clams at Mocrocks - over time is very evident with clams of most sizes present in our samples. Diggers will find a mix of both larger and smaller clams on this beach. We want to remind everyone that they are required to keep the first 15 clams regardless of size or condition.

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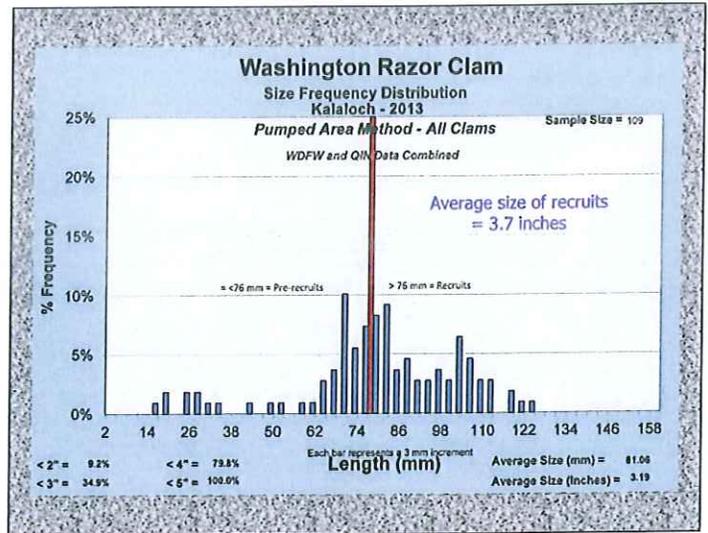


Razor clam densities this year (2013) at Mocrocks are strong everywhere except one very unusual transect (#5) near the center of the beach. This randomly selected transect was near the mouth of Joe Creek and we found zero recruit sized clams (and very few pre-recruits). Our sampling methodology does allow us to move away from the mouth of fresh water entrances to the beach. (Razor clams do not survive well in areas with regular fresh water influence.) In this case we moved the maximum amount allowed under the agreed to sampling plan. However, we believe this one transect was devoid of any recruit clams because of winter time fresh water flows over this portion of the razor clam beds. Nevertheless, the data from this transect is included in our estimate of the number of clams at Mocrocks.

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KALALOCH RAZOR CLAM POPULATION, TOTAL ALLOWABLE CATCH (TAC) AND HARVEST DATA

YEAR	POPULATION (clams)		TAC (clams)	50% SHARES	State's
	RECRUITS	PRE-RECRUITS	harvest rate 25.4% of recruits		HARVEST (clams) TOTAL
2009-10	3,532,257	3,251,387	897,193	448,597	46,373
2010-11	2,038,773	3,042,018	517,848	258,924	14,345
2011-12	1,138,272	2,321,662	289,121	144,561	2,952
2012-13	894,041	903,369	227,086	113,543	0
2013-14	1,033,286	536,262	262,455	131,227	
AVERAGE	1,727,326	2,010,980	438,741	219,370	



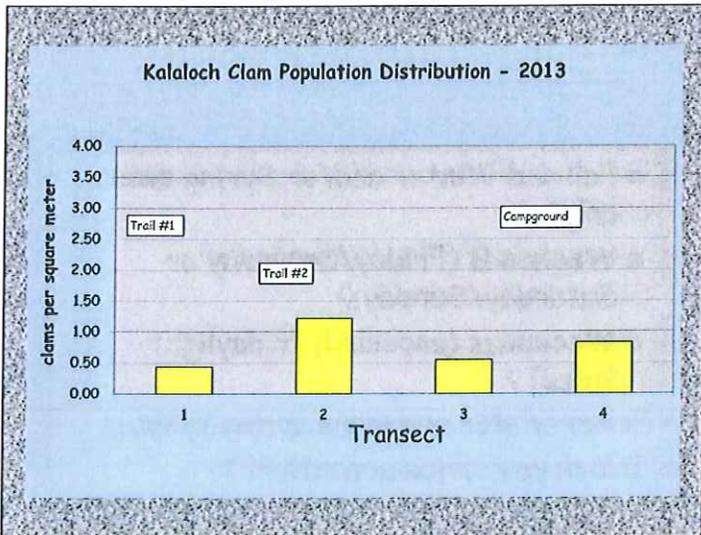
A minor improvement in the number of razor clams at Kalaloch was found during the 2013 assessment. The average density of razor clams on Kalaloch is estimated from the 2013 assessment work to be 0.76 clams per square meters, still well below the 17-year average density which is 1.44 clams per square meter.

The recruit clams at Kalaloch remain small with the average size of 3.7 inches. Very few larger clams were found in our assessment work.

Recall that the Olympic National Park works closely with WDFW staff in the management of the recreational fishery on the Kalaloch beach. WDFW takes the lead in the population assessment work. ONP has the lead in harvest monitoring and enforcing the recreational fishery. Both groups work together to set specific dates when harvest will occur on this beach. At the time of this writing, no decisions have been made regarding any possible digging at Kalaloch during the 2013-14 season.

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Along the length of the 4 mile Kalaloch beach, no areas looks particularly stronger than the others.

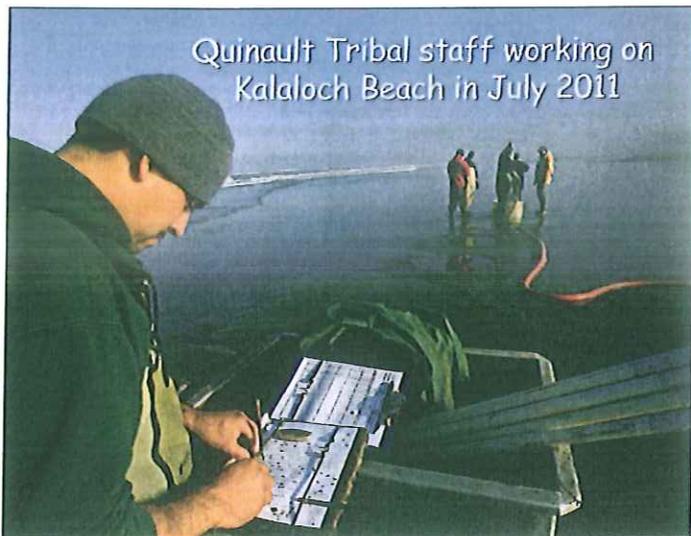
The 2013 the average density (clams per square meter) by beach is : Long Beach = 1.03; Twin Harbors = 3.15; Copalis = 2.22; Mocrocks = 5.47; Kalaloch = 0.76.
For comparison:

The 2012 the average density (clams per square meter) by beach is : Long Beach = 0.75; Twin Harbors = 2.58; Copalis = 2.12; Mocrocks = 2.78; Kalaloch = 0.66.

Co-Management With Coastal Tribes

- Share the resource and share the work
 - ...complete joint stock assessments
 - ...determine TACs jointly
- Sign Fishery Management Plans annually
- Different seasons for different reasons
 - ...tribal C&S and or commercial seasons
 - ...State recreational seasons
- Each group monitors their own fishery
 - ...make individual harvest estimates / share data
 - ...provide enforcement

As was mentioned earlier, WDFW works closely with two coastal tribes in the management razor clam populations.

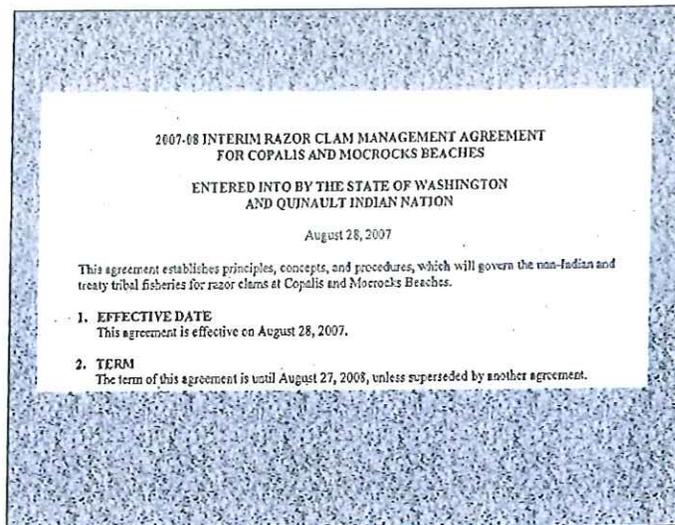


Quinault Tribal staff working on Kalaloch Beach in July 2011

The Quinault Indian Nation (QIN) shares the labor of the stock assessment work - with their own crews of biologists and technicians who also use the Pumped Area Method. Working side by side QIN and WDFW staff assess razor clam populations at Copalis, Mocrocks and Kalaloch. On each of these beaches ½ of the sample transects are completed by QIN staff and ½ by WDFW staff. The data is pooled and a joint population estimate is made.

At Kalaloch the Hoh Tribe provides additional staff to assist in the assessment on that beach. Because there is no vehicle access on the Kalaloch beach - having extra people available to move the gear up and down trails to the beach and walk sometime long distances down the beach - is critical to the success of the work.

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2007-08 INTERIM RAZOR CLAM MANAGEMENT AGREEMENT FOR COPALIS AND MOCROCKS BEACHES

ENTERED INTO BY THE STATE OF WASHINGTON AND QUINAUT INDIAN NATION

August 28, 2007

This agreement establishes principles, concepts, and procedures, which will govern the non-Indian and treaty tribal fisheries for razor clams at Copalis and Mocrocks Beaches.

1. EFFECTIVE DATE

This agreement is effective on August 28, 2007.

2. TERM

The term of this agreement is until August 27, 2008, unless superseded by another agreement.

Each year in August WDFW and the coastal tribes sit down and discuss the population estimates and proposed total allowable catch (TAC) for the co-managed beaches; Copalis, Mocrocks and Kalaloch. The result of those discussion is an agreed to Fishery Management Plan signed by policy representatives of each group - that guides the management of the fisheries in the coming season.

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	2013-14 TAC Share (clams)	2012-13 aver daily harvest (clams)
Long Beach	2,881,223	57,000
Twin Harbors	2,297,764	19,100
Copalis	1,120,938	49,000
Mocrocks	1,790,287	25,200
Kalaloch	131,227	

This is a recap of the 2013-14 Total Allowable Catch that will guide WDFW during the 2013-14 season. We also list here the average catch over all the days the 2012-13 season was open, by beach - except for Kalaloch where the harvest levels were very poor and not representative of a normal situation.

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SEASON OPTIONS

What do you think???

- **Fall and Winter and/or Spring season only?**
- **Weekends (Friday/Saturday or Saturday/Sunday)?**
- **Weekdays (especially if daylight tides)?**
- **Fewer winter and more spring tides.**
- **Two days / twice a month ???**

Feed back WDFW has received over the last several years is that most clam diggers like the season structure we've been using that allows for a few days of digging - each month - on as many beaches as possible.

Many owners of coastal businesses have also said that such a season structure also helps them by drawing people to coastal communities during periods of the year when fewer people would normally visit.

However, we are always open to suggestions and would be happy to hear any ideas about what might work better for you.

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What do you think???

Feel free to email your
comments and suggestions
to: razorclams@dfw.wa.gov

Thank you for taking the time to review this presentation. We are interested in your feedback on this method of providing razor clam information – and any season structure comments you might have.

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How to get updated razor clam season information:

WDFW Web Site: <http://wdfw.wa.gov/>

Shellfish Rule Change Hotline: 1-866-880-5431

Region Six (Montesano) 24 hour recording:
360-249-4628

E-mail distribution list :
sign up today!!!



To be added to our e-mail update list, please send an email request to: razorclams@dfw.wa.gov

>>> Dan Ayres 08/14/03 12:26PM >>>

You are receiving this message because you have expressed interest in Washington State's recreational razor clam fishery. If you do not wish to receive future messages, please reply by return e-mail.

DOMOIC ACID UPDATE

The latest demonic acid levels were reported today(8/14/03) by the Washington Department of Health. Levels continue to drop on most all beaches, improving the chances for a fall season.

Long Beach Reserve; 3 ppm on 8/11/02 (down from 9 ppm on 7/15/03)

Twin Harbors Area CL; 17 ppm on 8/11/03 (up from 10 ppm on 7/15/03)

Copalis; 17 ppm on 8/11/03 (down from 36 ppm on 7/15/03)

Mocrocks; 12 ppm on 8/11/03 (down from 24 ppm on 7/21/03)

Kalaloch; 22 ppm on 8/10/03 (down from 28 ppm on 7/29/03)



WDFW's goal is to provide maximum harvest opportunities that are safe and enjoyable experiences.

You may be interested to know that we maintain an email distribution list for anyone specifically interested in razor clam related issues. The periodic updates sent out using this list include information on season openers, marine toxin levels and other pertinent topics. If you are interested in having your email address added to this list, please let us know by sending an email request to: razorclams@dfw.wa.gov

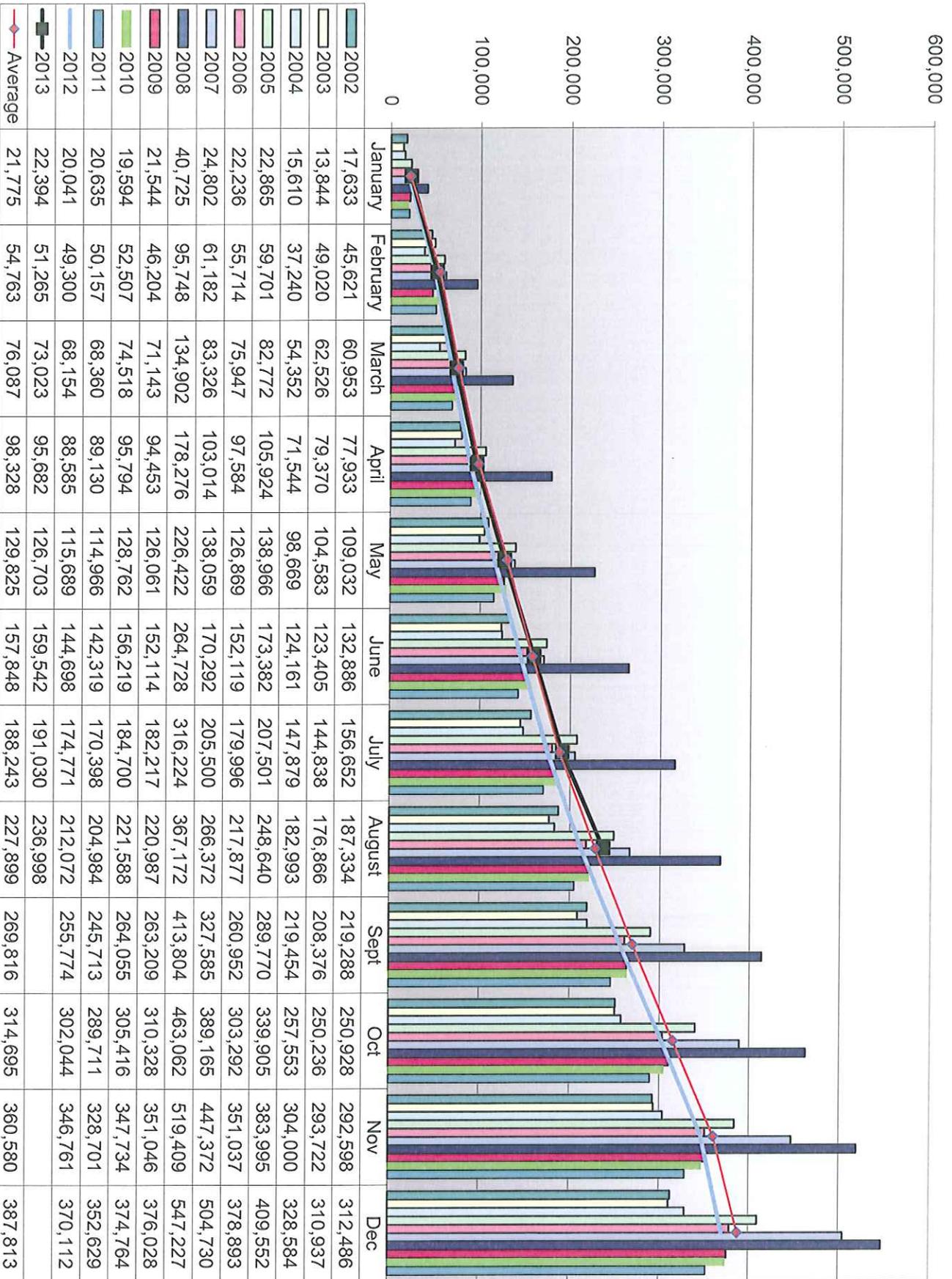
Thanks again for visiting this presentation!

Dan L. Ayres
Coastal Shellfish Lead Biologist
Washington State Department of Fish and Wildlife
Region Six
48 Devonshire Road
Montesano, WA 98563 USA
Telephone: 360-249-4628 (ext. 209)

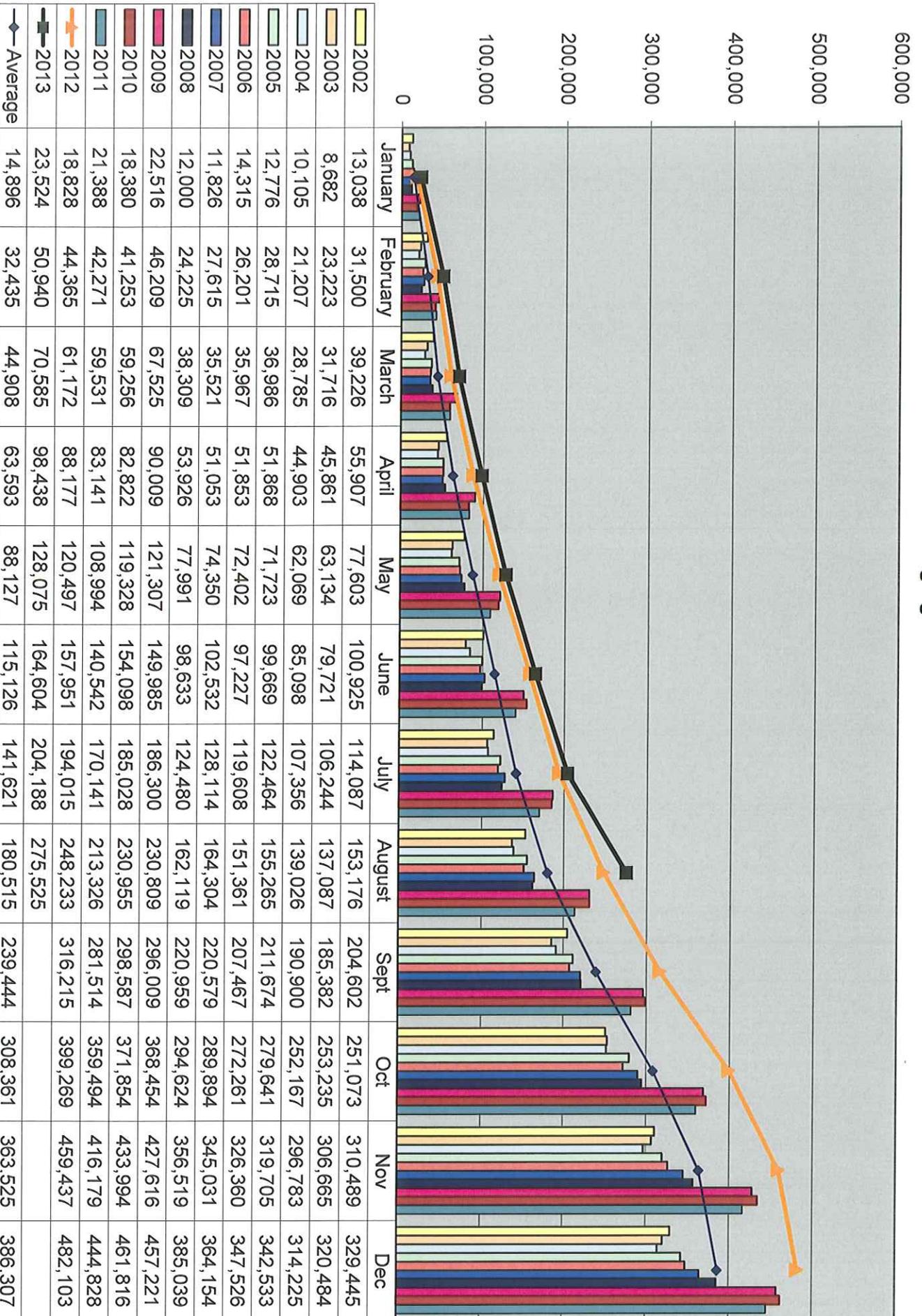
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Sales Tax Collections



Lodging Tax Collections



Report: AGY064P2
710-LBL BLS0020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 09 25 2013
Page: 1

LONG BEACH GENERAL BUSINESS

Business Structure: Sole Proprietor

Legal Entity Name : ROBERT RUSSELL SPARKES

Firm Name : LONG BEACH TATTOO COMPANY

Location Phone/FAX: (360) 642-7373 (000) 000-0000

Location Address : 809 PACIFIC AVE S
LONG BEACH WA 98631 3766

In City Limits: Y

Product/Serv Desc: Services
Services SERVICE PROVIDED ARE TATTOOS

Operator Comments:

Previous Business License: N

Square Footage: 200

Applying as Non Profit Business: N
501(C) Received: -

Conducting Business From Residence: N

Hazardous/Flammable Materials: Y

Emergency Contact 1: ROBERT RUSSELL SPARKES
Emergency Contact 2: KEVIN FINK

(772) 940-3372
(360) 562-1964

Additional Business Activities:

Account Status: Pending Approval

New Application / Final

UBI Number : 603 336 044 001 0001

Application ID : 2013 268 4869

Application Received Date: 09 25 2013

Fees : \$125.00

Expiration Date: 09 30 2014

Business Open Date: 11 01 2013

Mail Addr: 31 YOCONA PL
ASTORIA OR 97103 5762

Zoning	OT	SP	09/27/13	Fire			
			Date		Date		
Building			Date	Police			
			Date		Date		
Finance			Date	Planning			
			Date		Date		
Comments:							

Report: AGY064P2
710-IBL EBSD020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 09 25 2013
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LONG BEACH GENERAL BUSINESS

Business Structure: Profit Corporation

Legal Entity Name : ADVANCE ENVIRONMENTAL, INC.

Firm Name : ADVANCE ENVIRONMENTAL, INC

Location Phone/FAX: (360) 357-5666 (360) 357-5665

Location Address : 3620 49TH AVE SW
OLYMPIA WA 98512 6604

In City Limits: N

UFI Number : 602 306 184 001 0001
Application ID : 2013 268 4897
Application Received Date: 09 25 2013
Fees : \$125.00
Expiration Date: 09 30 2014
First Date of Business: 10 01 2013
Mail Addr: 3620 49TH AVE SW
OLYMPIA WA 98512 6604

Product/Serv Desc: Retail, Services
Retail, Services ASBESTOS SAMPLING & ABATEMENT, MOULD SAMPLING & REM
EDIATION, UNDERGROUND STORAGE TANK REMOVAL, JANITORIAL SERVICES

Operator Comments:

Previous Business License: N

Square Footage: 0

Applying as Non Profit Business: N
501(C) Received: _

Email Address: advanceenvironmental@comcast.net

Additional Business Activities:

General/Specialty Contractor # ADVANIEI972MH Contractor license number verified in the Contractor database. Expires: 08 22 2015

Account Status: Pending Approval

Zoning	N/A	SP	9/27/13	Fire		Date	
Building			Date	Police		Date	
Finance			Date	Planning		Date	
Comments:							

Report: AGY064P2
710-LBL BLS020

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Date: 09 12 2013
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor
Legal Entity Name : JESSICA MARIE STARR

UBI Number : 603 165 963 001 0001
Application ID : 2013 254 4893
Application Received Date: 09 11 2013

Firm Name : JESSICA STARR PHOTOGRAPHY

Fees : \$125.00
Expiration Date: 09 30 2014

Location Phone/FAX: (360) 783-1511 (000) 000-0000

Business Open Date: 09 15 2013

Location Address : 112 20TH ST SW
LONG BEACH WA 98631 3736

Mail Addr: PO BOX 280
LONG BEACH WA 98631 0280

In City Limits: Y

*No bus address in LB
No 20th Street*

Product/Serv Desc: Services
Services I PHOTOGRAPH PORTRAIT OF FAMILIES, CHILDREN, NEWB
ORNS, AND HIGH SCHOOL SENIORS.

Operator Comments: LAST NAME CHG

Previous Business License: Y 603165963

Square Footage: 10

Applying as Non Profit Business: N
501(C) Received: -

Conducting Business From Residence: Y Customers visiting business premises? Y

Hazardous/Flammable Materials: N

Emergency Contact 1: TAMARA ANNE MEYER
Emergency Contact 2: SHEENA HUMPHREYS

(360) 703-4195
(360) 244-3174

Email Address: jstarrphotography@gmail.com

Additional Business Activities:

Account Status: Pending Approval

	Date	Fire	Date
Zoning			
Building		Police	
Finance		Planning	
Comments:			

Report: AGY064P2
710-LBL BLS020

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Date: 09 13 2013
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LONG BEACH GENERAL BUSINESS

Business Structure: Sole Proprietor

Legal Entity Name: MICHAEL ROBERT DAVIS

Firm Name: MAGGIE & NITWIT'S ROADHOUSE

Location Phone/FAX: (352) 222-9998 (000) 000-0000

Location Address: 1308 PACIFIC AVE S
LONG BEACH WA 98631 3868

In City Limits: Y

Product/Serv Desc: Retail, Services
Retail, Services EXPRESSO DRIVE THRU WITH FOOD

Operator Comments: LANGUAGE ASSIST (Y/N): Y ENGLISH

Previous Business License: N

Square Footage: 170

Applying as Non Profit Business: N
501(C) Received: -

Conducting Business From Residence: N

Emergency Contact 1: MICHAEL ROBERT DAVIS
Emergency Contact 2: SARAHANN DAVIS

Email Address: michaelr54@gmail.com

Additional Business Activities:

Account Status: Pending Approval

New Application / Final

UBI Number : 603 332 818 001 0001
Application ID : 2013 256 4266
Application Received Date: 09 13 2013

Fees : \$125.00
Expiration Date: 09 30 2014

Business Open Date: 04 01 2014

Mail Addr: PO BOX 675
LONG BEACH WA 98631 0675

Hazardous/Flammable Materials: N

(352) 222-9998
(352) 222-8969

Zoning	01	SP	9/16/13	Fire		Date	
Building				Police		Date	
Finance				Planning		Date	
Comments:							

9/16/13 Spoke w/ Sarah
want signage. Spoke
personally about
proposal fees. SB

Report: AGY064P2
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC
Legal Entity Name : ORKIN, LLC

UBI Number : 600 204 663 001 0002
Application ID : 2013 242 0028
Application Received Date: 08 29 2013

Firm Name : ORKIN, LLC

Fees : \$125.00
Expiration Date: 08 31 2014

Location Phone/FAX: (800) 562-5610 (000) 000-0000

First Date of Business: 01 01 2014

Location Address : 5113 PACIFIC HWY E STE 1W
FIFE WA 98424 2639

Mail Addr: 5113 PACIFIC HWY E STE 1W
FIFE WA 98424 2639

In City Limits: Y

Product/Serv Desc: Services
Services PEST CONTROL SERVICES

Operator Comments: 9-6-2013 P/C DEAN, GOT STARTING DATES FOR CITIES

Previous Business License: _____ Square Footage: 0 Applying as Non Profit Business: N
501(C) Received: _

Additional Business Activities:

Account Status: Pending Approval

Zoning	<u>MS 9B</u>	Date	<u>9/16/13</u>	Fire	_____	Date	_____
Building	_____	Date	_____	Police	_____	Date	_____
Finance	_____	Date	_____	Planning	_____	Date	_____
Comments:	_____						

Report: AGY064P2
710-LBL BLS020

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Date: 09 04 2013
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor
Legal Entity Name : CHRISTOPHER MICHAEL FOX

UBI Number : 603 330 076 001 0001
Application ID : 2013 246 4975
Application Received Date: 09 03 2013

Firm Name : DESERT ESPRESSO

Fees : \$125.00
Expiration Date: 09 30 2014

Location Phone/FAX: (253) 254-8706 (253) 655-5217

First Date of Business: 09 09 2013

Location Address : 906 GLEN OAKS DR E
SPANAWAY WA 98387 7905

Mail Addr: 906 GLEN OAKS DR E
SPANAWAY WA 98387 7905

In City Limits: N

Product/Serv Desc: Retail
Retail COFFEE/ESPRESSO AND PRE-PACKAGED FOOD

Operator Comments:

Previous Business License: N

Square Footage: 0

Applying as Non Profit Business: N
501(C) Received: _

Email Address: jdelectric2@comcast.net

Additional Business Activities:

Account Status: Pending Approval

Zoning	<u>N/A CB</u>	Date	<u>9/16/13</u>	Fire	Date
Building		Date		Police	Date
Finance		Date		Planning	Date
Comments:					

Report: AGY064P2
710-LBL BLS020

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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC
Legal Entity Name : KITCHEN MEDIC LLC

UFI Number : 603 308 248 001 0001
Application ID : 2013 246 4991
Application Received Date: 09 03 2013

Firm Name : KITCHEN MEDIC

Fees : \$125.00
Expiration Date: 09 30 2014

Location Phone/FAX: (360) 263-6759

(000) 000-0000

First Date of Business: 09 10 2013

Location Address : 14908 NE GABRIEL RD
YACOLT WA 98675 3503

Mail Addr: 14908 NE GABRIEL RD
YACOLT WA 98675 3503

In City Limits: N

Product/Serv Desc: Services
Services COMMERCIAL HOOD CLEANING AND FIRE SUPPRESSION SERV
ICES

Operator Comments:

Previous Business License: N

Square Footage: 0

Applying as Non Profit Business: N
501(C) Received: -

Email Address: kitchenmedic@yahoo.com

Additional Business Activities:

Account Status: Pending Approval

Zoning	NA 4P	9/16/13	Fire		Date
Building		Date	Police		Date
Finance		Date	Planning		Date
Comments:					